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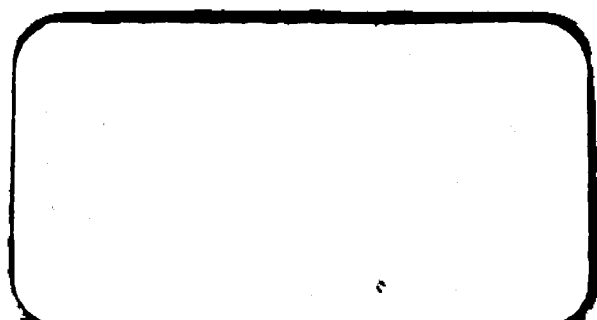
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802.







# Roman Antiquities :

OR,

AN ACCOUNT

OF

THE MANNERS AND CUSTOMS

OF

THE ROMANS;

RESPECTING THEIR

GOVERNMENT,  
MAGISTRACY,  
LAWS,  
JUDICIAL PROCEEDINGS,  
RELIGION,  
GAMES,  
MILITARY AND NAVAL  
AFFAIRS,  
DRESS,  
EXERCISES,  
BATHS,

MARRIAGES,  
DIVORCES,  
FUNERALS,  
WEIGHTS AND MEASURES,  
COINS,  
METHOD OF WRITING,  
HOUSES,  
GARDENS,  
AGRICULTURE,  
CARRIAGES,  
PUBLIC BUILDINGS,

&c. &c. &c.

DESIGNED CHIEFLY

TO ILLUSTRATE THE LATIN CLASSICS,

BY EXPLAINING WORDS AND PHRASES, FROM THE RITES AND CUSTOMS  
TO WHICH THEY REFER.

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BY ALEXANDER ADAM, LL.D.

RECTOR OF THE HIGH SCHOOL OF EDINBURGH.

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THE TWELFTH EDITION,

CORRECTED, IMPROVED, AND ENLARGED,

BY THE REV. J. R. MAJOR, M.A. M.R.S.L.

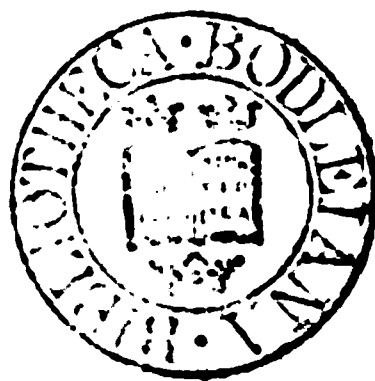
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# PREFACE

## TO THE TWELFTH EDITION.

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**DR. ADAM'S** work on Roman Antiquities has been for so many years before the public, and its merits are so well appreciated, that it is wholly unnecessary to advocate its claims to general attention, as a safe and judicious guide in the study of the Latin writers. From the numerous editions through which it has passed since its first appearance in 1791, it is manifest that it has proved a most useful auxiliary to the acquisition and communication of classical knowledge. In directing the attention of intelligent pupils to the progressive stages in the fabric of the Roman constitution, as depicted in the pages of Livy; or to the course of judicial proceedings, in connection with the orations of Cicero; or to the minor, but no less interesting allusions to life and manners, in the writings of the sagacious Horace, or the sarcastic Juvenal; whatever be the author, or the era, this comprehensive Manual has ever been an invaluable aid to the assiduous instructor.

Having had this practical experience of its utility for many years, I consented, at the request of the Publishers, to conduct a new edition through the press. In undertaking this responsibility, I had principally in view to insure a faithful and accurate reprint of the original; correcting it where necessary, and supplying such observations as subsequent researches might suggest. From the many publications \*, however, which have appeared

\* The following may be noticed, as those to which the Editor has been principally indebted:—

Blair's Enquiry into the State of Slavery amongst the Romans.

Burgess's Description of the Circus on the Via Appia; and Antiquities of Rome.

Burton's Antiquities of Rome.

Crombie's Gymnasium.

Eustace's Classical Tour.

Gibbon's Decline and Fall of the Roman Empire.

Gifford's Juvenal.

since Dr. Adam's time, tending to illustrate the various subjects which his work embraces, and of which no former editor has availed himself for its improvement, I have gleaned additions far exceeding the limits which I had at first contemplated. The information extracted from these sources cannot fail to be in some degree interesting, as well as useful, to the student; and I have been careful to append in every case the exact reference to the author and the page, that if the quotation should from its brevity be obscure, or be calculated to invite farther enquiry, no difficulty may occur. This remark may be particularly applicable to the passages which I have selected from Niebuhr's singularly profound and original investigation into the early period of Roman history. Extracts may serve to indicate some conclusions to which that acute and philosophic writer has arrived; but the unbroken chain of his deductions, and the process of thought by which he has unravelled the perplexities of "many an ancient mystery," can only become intelligible from a close and diligent study of his entire work. All such additions I have generally given in the form of notes to Dr. Adam's text, reserving those of an inconvenient length for an Appendix; and whatever I have inserted in the text itself, as a brief remark or reference, is included in brackets [ ] and therefore at once distinguished.

In stating that I have faithfully adhered to the plan on which Dr. Adam framed this compilation, it may be necessary to notice an objection sometimes made to the frequent introduction of authorities, as causing embarrassment to the reader in following the chain of observations on any particular point. It may be admitted, that references to Festus, Varro, Macrobius, A. Gellius, or Dionysius of Halicarnassus, are not adapted to the purposes of tyros in classical learning: but it is well known that this summary enjoys, in a high degree, the confidence of mature scholars; an advantage clearly attributable to the scrupulous accuracy with which every statement is confirmed by its corresponding authority. The necessity, moreover, for references generally, is so closely involved in the very construction of the work, that little would be gained, with regard to perspicuity,

Henderson on Ancient Wines.

Hooke's Roman History.

Keightley's edition of Ovid's Fasti; and Mythology.

Middleton's Life of Cicero.

Niebuhr's Roman History.

Sketches of the Institutions and Domestic Manners of the Romans.

Professor Anstice's Oxford Prize Essay on the Influence of the Roman Conquests upon Literature and the Arts.

Anthon's editions of Horace, Sallust, and Lempriere.

Encyclopædia Britannica and Metropolitana, &c.



by a partial removal of them, even for those less advanced. For Dr. Adam expressly states in the title-page, that his design was, "to illustrate the Latin Classics, by explaining words and phrases, from the rites and customs to which they refer." This clearly establishes the propriety of specifying, in juxtaposition, the sources from which those words and phrases are derived; it being manifestly of importance, that a learner should be able to discriminate, whether an expression is to be traced to oratorical, to historical, or to colloquial usage, to a prose writer, or to a poet; and unless the eye at once connects the one with the other, that necessary distinction will not be made. In this also, as in other works of reference, the young scholar is pleased and encouraged, by frequently finding the very passage of an author, in which he may have met with difficulty or obscurity, at once quoted and explained. I would farther suggest to the student, as a method of converting the authorities cited to his real improvement, to verify, transcribe, and commit to memory, those that relate to the writers with whom he is most familiar, particularly the poets; in order that the rite or custom, along with the word or phrase derived from it, may be more firmly impressed on his mind. Let him combine with this profitable exercise the use of the excellent series of Questions \* recently published at Oxford, and his knowledge of the leading facts, no less than the phraseology relating to Roman affairs, will thus become sound and extensive. The reading of works of a more popular nature (for instance, "Sketches of the Institutions and Domestic Manners of the Romans," to which I am indebted for several interesting notes,) may be advantageously united with the study of Dr. Adam's Roman Antiquities; but, from the essential difference in design to which I have alluded, the one cannot supersede the other.

The Latin Index, the most valuable appendage to a publication of this nature, has been hitherto singularly deficient; I have taken care that it should be, in this edition, as full and comprehensive as possible. I have added, moreover, a running title to each page, to supersede the unmeaning repetition of "Roman Antiquities;" by this change, facility of reference will be gained, and a compendious syllabus of contents be furnished. The Plan of Rome has been carefully prepared by a comparison with those in the works of Nardini, Lumisden, Sir W. Gell, and Burgess; and will, it is presumed, be found an accurate and useful accompaniment to the Sections on the Hills of the City, and its Public Buildings.

\* Questions on Adam's Roman Antiquities. By the Author of "Questions on Ancient Geography, adapted to Laurent's Introduction." Oxford: MDCCCXXXII.

"In conclusion, I have the satisfaction of explaining, that the initial "T." is annexed, and due to Canon Residentiary of St. Paul's, and late School. That gentleman most courteously the marginal annotations made in his own. It adds, that the judgment and experience and singularly successful career in tuition authority upon any remarks which bear his, to acknowledge my personal obligations to a scholar, for the benefit derived from his, in the various conferences with which; and the reader will feel equally indebted with myself for the trouble which he has taken, in carefully writing his deliberate opinion on the plan, the merits, and the right use of Dr. Adam's work, and for the kind permission which he has given for its insertion here.

J. R. M.

London, May 1. 1835.

"In candidly estimating the merits of my old friend Dr. Adam's work on Roman Antiquities, we must never forget, that, from the brevity and concentration, *tam multum in tam parvo*, of his plan, he had peculiar difficulties inseparable from it to conflict with, and that some of these were of a nature rather for a critical eye to discover in the using of his book, than for himself to avoid in the compilation.

"One general remark will be instantly recognised for its truth at once and its importance. As in his account of rites, manners, and customs, the authorities quoted are drawn, of course, from various sources of illustration; so, at times, different ages and different authors, the subjects of his reference, are blended in contiguity, without sufficient notice or distinction to show that such difference exists. Apparently, too, at other times, his quotations are taken for the same purpose from the writers very much alike; and the young carefully warned against confounding the observance at one given period, with the, for some matters, perhaps, never had a practice.

of similar consequence, will be as readily acknowledged in its claim on our attention. Important facts in the constitutional history of Rome are not always stated by Dr. Adam with such distinct regard to the age or the authority concerned, as may at once enable his reader to discriminate for himself betwixt an earlier and a later era, or betwixt a content

potray author for the fact, and, one, perhaps, less entitled to

immediate perusal.

316 After a declaration like this, it is unnecessary to add, that I should, on principle, dissuade the insertion of extracts from those writers, recounted by Dr. Adam in the commencement of his first preface. Their own works, in many instances, labour under a stronger objection, from authors and ages being confusedly introduced in them, than can ever be brought against Dr. Adam's selection, in itself so very judiciously made, and marked, also, by such accuracy of reference purposely interwoven with the text.

317 The very learned book *Laurentii Pignorii de Servis, &c.*, Amstel. 1674, now lying before me, may suffice abundantly to exemplify that remark. The very next words in the title-page, *et eorum apud VETERES ministeriis*, intimate the medley of matters that is to come. Within a 12mo of 570 small pages, not only are there crowded multifarious allusions to law and history, from the days of Noah to those of Justinian; but, even when the limitation takes place to the *Familia Urbana* and the *Familia Rustica*, &c., no division of ages is drawn, no eras of change are pointed out in the progress of social life and manners, enabling the reader to tell what slaves were so used at such a period, or at what period of Rome such and such slaves were known to be used.

318 Of a work, therefore, like this, and its ill-sorted materials,

319 ——— ‘Non bene junctarum discordia semina rerum,’ —

320 how difficult and troublesome must it be to make any satisfactory use for the instruction of boys! And when the young student is in search of specific information at some given date, by what clue shall he find it, amongst the different names (some two hundred perhaps) of slaves from the earliest age of the commonwealth to that of the lower empire?

321 Dr. Adam's book of Roman Antiquities, in the hands of an intelligent preceptor, is a perfect storehouse of learning for its avowed design (seldom trespassing beyond those limits), to supply the knowledge necessary for understanding the classical writers

of Rome. And if, from my own experience, any hint of practical improvement may to younger teachers be recommended in the daily perusal of that book, it shall here be very briefly communicated.

"Whatever author, then, the pupils are engaged in reading, if the subject of the work involve matter for illustration from the Roman Antiquities, to the peculiar point itself, in the appropriate page, let the attention of all parties be turned; not neglecting, however, any thing pertinent, besides, in farther detail, which the page consulted may present. In the whole of this process, if any difficulty or doubt occur, Dr. Adam's references, exactly made, and always before the eye, will furnish the master with data to determine the age and authority, as well as the account, for any fact or custom on which the

ver, of requiring illustration in any important read is often itself calculated to form a rarest information. Such, for instance, is the ily; which, through the personal history of n to his censorship (with the parallel reading implifies, in its offices and magistrates, &c., the ublican government. Such, in striking contrast, is Tacitus's Life of Agricola, in the latter part of the first century (A. D.), when the ruin of the old constitution was complete. In the midway between as to time, and at an era of the republic strongly marked with recent change and nascent revolution, the personal history of Cicero exhibits the regular succession which he himself enjoyed (*suo anno*, as it then stood) to all the honours of the state. To carry this *comparative anatomy*, as it were, of the Roman government, through four different stages of its progress, the earliest period for which we have very authentic knowledge, that, in fact, of its highest energy, may be taken from the great Punic war, in the third decade of Livy.

"For the several stages here selected, the perusal of the writers themselves may, in general, well supersede the necessity of consulting the pages of Adam; and yet, in those pages, there will still be found something or other incidentally occurring to distinguish or elucidate the matter directly treated by the author in hand. Nor may the book of Roman Antiquities be ever safely laid aside by master or scholar, while engaged in the classical writings of Rome, so long as any collateral information can be required to make them thoroughly understood.

"It is not, however, in these more weighty concerns, and on a larger scale only, that the original authors may be thus turned to good account; but with the same view, in the description of ceremonies, or in the marking of curious particulars, may the poets especially (in *contemporaneous matters*), from facility of

remembrances, be used to advantage. In Catullus, the Epithalamium of Junius and Manlia; in Horace, the dinner given by Nasidienus, may serve as instances. The amount (reckoned in sesterces) of fortune necessary for a knight will ever be *in promptu*, if a short passage from Horace, 1 E. i. 57. be once committed to memory: —

‘ Sed quadringentis sex septem millia desint,  
Plebs eris.’

Nor will the lowest daily allowance to a slave (the same as to a debtor\*, by the Twelve Tables) be easily forgotten, if once associated with the jeer against Sarmentus, 1 S. v. 68, 69.: —

—— ‘ Cur unquam fugisset, cui satis una  
Farris libra foret, gracili sic, tamque pusillo.’

“ For the Augustan period, the sources of illustration in particulars like these are well known, and, as the pages of Adam testify, supply abundantly whatever is wanted. Singularly enough, we have the age of Domitian full as copiously detailed in its manners and customs; and from the readable Epigrams of Martial alone, if a selection and classification were made for that purpose, every circumstance at all peculiar in every department of Roman life and manners might be presented to the view —

‘ Votivâ veluti descripta tabellâ.’

“ Before concluding these desultory observations, let me be allowed to point out the store, from which Dr. Adam has sparingly drawn, of valuable intelligence for the middle of the second century B. c., to be found in Polybius. Without going to the original Greek, the young student may be excused for enjoying it all in the able translation by Mr. Hampton.

“ The *Military Institutions of the Romans*, l. vi. c. xix. to xlii., not only answer most fully to every expectation which that title can raise, but occasionally afford particulars regarding the civil constitution, which might not otherwise with such precision be ascertained. Take this, for instance, in the first paragraph: —  
‘ No citizen is permitted to sue for any magistracy, before he has completed the service of ten campaigns.’

“ His *Analysis of the Government*, l. vi. c. xii. to xviii., has ever been considered a masterpiece of political writing. At an era when the republic had attained its maximum of real greatness, we have the whole frame of its constitution portrayed to us, and are taught to admire the *three kinds of government* then happily united in the commonwealth of Rome.

“ One word more, and I have done. At the period when Polybius wrote, the order of Equites as yet formed no essential

\* Vide Gronov. ad A. Gell. l. ix. c. i.

member in the body politic of the state; and, unfortunately for our knowledge of that important change, by which the Equestrian order was raised to power and dignity, the documents for authentic history are very insufficient. The effect is well known, if only from the story of P. Rutilius\*, that when in their persons were united the offices of Publicani abroad and of Judices at home, the corruption and discord, in which they so largely partook, found ample room for mischievous and destructive operation."

"J. T."

\* Vid. H. Fynes Clinton's *Fasti Hellenici*. B.C. 92. Exile of P. Rutilius, &c., and the authorities there quoted.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

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**civil law.**

the most valuable parts in Kennet.

authors he has consulted would be tedious and useless. It is



sufficient to say, that he has borrowed with freedom, from all hands, whatever he judged fit for his purpose. He has been chiefly indebted to *Manutius*, *Brissonius*, and *Middleton*, on the senate; to *Pignorius*, on slaves; to *Sigonius* and *Grucchi*, *Manutius*, *Huber*, *Gravina*, *Merula*, and *Heineccius*, on the assemblies of the people, the rights of citizens, the laws and judicial proceedings; to *Lipsius*, on the magistrates, the art of war, shows of the circus, and gladiators; to *Schæffer*, on naval affairs and carriages; to *Ferrarius*, on the Roman dress; to *Kirchmannus*, on funerals; to *Arbutnot*, on coins; to *Dickson*, on agriculture; to *Donatus*, on the city; to *Turnebus*, *Abrahamus*, *Rosinus*, *Salmasius*, *Hottomannus*, *Grævius*, and *Gronovius*, *Montfaucon*, *Pitiscus*, *Ernesti*, and particularly to *Gesner*, in different parts of the work.

After making considerable progress in this undertaking, the Compiler found the execution so difficult, that he would have willingly dropt it, could he have found any thing on the subject to answer his views. Accordingly, when Mr. Lempriere did him the favour to communicate his design of publishing that useful work, the *Classical Dictionary*, he used the freedom to suggest to him the propriety of intermingling with his plan a description of Roman Antiquities. But being informed by that gentleman that this was impracticable, and meeting with no book which joined the explanation of words and things together, he resolved to execute his original intention. It is now above three years since he began printing. This delay has been occasioned partly by the difficulty of the work, and making various alterations and additions; partly, also, by a solicitude to receive the remarks of some gentlemen of learning and taste, on whose judgment he could rely, who have been so obliging as to read over, with critical attention, the sheets as they were printed.

After finishing what relates to the laws and judicial proceedings, the Compiler proposed publishing that part by itself, with a kind of *syllabus* of the other parts subjoined; that he might have leisure to reprint, with improvements, a Summary of Geography and History, which he composed a few years ago for the use of scholars. But after giving an account of the deities and religious rites in his cursory manner, and without quoting authorities, he was induced by the advice of friends, to relinquish that design, and to postpone other objects, till he should bring the present performance to a conclusion. Although he has all along studied brevity as much as regard to perspicuity would admit, the book has swelled to a much greater size than at first he imagined.

The labour he has undergone can be conceived by those only who have been conversant in such studies. But he will think his pains well bestowed, if his work answer the end intended—

to facilitate the acquisition of classical learning. He has done every thing in his power to render it useful. He has endeavoured to give a just view of the constitution of the Roman government, and to point out the principal causes of the various changes which it underwent. This part, it is hoped, will be found calculated to impress on the minds of youth just sentiments of government in general; by showing, on the one hand, the pernicious effects of aristocratic domination; and, on the other, the still more hurtful consequences of democratical licentiousness and oligarchic tyranny.

But it is needless to point out what has been attempted in particular parts; as it has been the Compiler's great aim, throughout the whole, to convey as much useful information as possible within the limits he has prescribed to himself. Although very few things are advanced without classical authority, yet in so extensive a field, and amidst such diversity of opinions, he, no doubt, may have fallen into mistakes. These he shall esteem it the highest favour to have pointed out to him; and he earnestly entreats the assistance of the encouragers of learning to enable him to render his work more useful. He has submitted his plan to the best judges, and it has uniformly met with their approbation.

It may perhaps be thought, that in some places he has quoted too many authorities. But he is confident no one will think so, who takes the trouble to examine them. This he esteems the most valuable part of the book. It has at least been the most laborious. A work of this kind, he imagines, if properly executed, might be made to serve as a *key* to all the Classics, and in some degree supersede the use of large annotations and commentaries on the different authors; which, when the same customs are alluded to, will generally be found to contain little else but a repetition of the same things.

As the work is not divided into books and chapters, the table of contents, it is hoped, will supply that deficiency.

The Compiler has now, in a great measure, completed, what above twenty years ago he conceived to be wanting in the common plan of education in this country. His first attempt was to connect the study of Latin Grammar with that of the English; which was approved of by some of the first literary characters then in the kingdom. It is sufficient to mention Mr. Harris and Dr. Lowth. He has since contrived, by a new and natural arrangement, to include in the same book a vocabulary, not only of the simple and primitive words in the Latin tongue, but also of the most common derivatives and compounds, with an explanation of phrases and of tropes. His next attempt was to join the knowledge of ancient and modern Geography, and the principles of History, with the study of the Classics. And now, he

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Edinburgh, April, 1791.

all the essential parts of the book, and the most important of the whole, have been carefully revised, and the errors of the first edition have been corrected. The compiler has also added many new facts and authorities, and has enlarged the index of Latin words and phrases, and the index of proper names and things. The book is now more complete and useful than ever before.

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There are several branches of his subject which still remain to be discussed; and in those he has treated of, he has been obliged to suppress many particulars for fear of swelling his book to too great a size. It has therefore been suggested to him, that to render this work more generally useful, it ought to be printed in two different forms: in a smaller size for the use of schools; and in a larger form, with additional observations and plates, for the use of more advanced students. This, if he find it agreeable to the public, he will endeavour to execute to the best of his ability: but it must be a work of time; and he is now obliged to direct his attention to other objects, which he considers of no less importance.

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and in general, but show the author's intention to be well understood, and to be of service to the public. The author has been very much obliged to the public for the reception of the first edition, and for the many communications he has received from them, and from other gentlemen of the first character for classical learning, he will ever remember with gratitude. Stimulated by such encouragement, he has exerted his utmost industry to improve this edition. The numerous facts and authorities he has added will show the pains he has bestowed. The index of Latin words and phrases is considerably enlarged; and an index of proper names and things is subjoined; for suggesting the utility of which, he is indebted to the authors of the Analytical Review.

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what editions of these have been followed in the quotations :—  
*Cæsar*, by *Clarke*, or in *usum Delphini* ; *Pliny*, by *Brotier* ;  
*Quintilian* and the writers on husbandry, by *Gesner* ; *Petro-*  
*nius Arbiter*, by *Burmamnus* ; *Dionysius of Halicarnassus*, by  
*Reiske* ; *Plutarch's Morals*, by *Xylander* ; and *Dio Cassius*, by  
*Reimar*. It is needless to mention the editions of such authors  
as are always divided in the same manner. Those not divided  
into chapters, as *Appian*, *Strabo*, *Plutarch's Lives*, &c. are quoted  
by books and pages.

*Edinburgh,*  
*May 21st, 1792.*

# CONTENTS.

---

## FOUNDATION OF ROME, p. 1.

## DIVISION OF ITS INHABITANTS, p. 1.

|  | Page       |
|--|------------|
| I. SENATE AND PATRICIANS,                | 2          |
| 1. Institution and Number of the Senate, | <i>ib.</i> |
| 2. The choosing of Senators,             | 3          |
| 3. Badges and Privileges of Senators,    | 7          |
| 4. Assembling of the Senate,             | 8          |
| 5. Consultation of the Senate,           | 10         |
| 6. Decrees of the Senate,                | 14         |
| 7. Power of the Senate,                  | 17         |
| II. EQUITES,                             | 22         |
| III. PLEBEIANS,                          | 25         |
| Patrons and Clients,                     | 26         |
| <i>Nobiles et Ignobiles, &amp;c.</i>     | 27         |
| <i>Gentes et Familia,</i>                | 28         |
| Names of the Romans,                     | 29         |
| <i>Ingenii et Libertini,</i>             | 31         |
| IV. SLAVES,                              | <i>ib.</i> |

## RIGHTS OF ROMAN CITIZENS, p. 41.

|  |            |
|--|------------|
| I. PRIVATE RIGHTS,                     | 43         |
| 1. Right of Liberty,                   | 44         |
| 2. ——— Family,                         | 46         |
| 3. ——— Marriage,                       | <i>ib.</i> |
| 4. ——— a Father,                       | <i>ib.</i> |
| Emancipation and Adoption,             | 47         |
| 5. Right of Property,                  | 49         |
| Modes of acquiring Property,           | 52         |
| 6. Right of Testament and Inheritance, | 55         |
| 7. ——— Tutelage or Wardship,           | 59         |
| II. PUBLIC RIGHTS,                     | 60         |
| JUS LATII,                             | 64         |
| — ITALICUM,                            | 65         |

|   | Page |
|---|------|
| STATE OF THE PROVINCES, . . . . .         | 66   |
| —— MUNICIPAL TOWNS, COLONIES, &c. . . . . | 68   |
| —— FOREIGNERS, . . . . .                  | 72   |

### COMITIA, OR ASSEMBLIES OF THE PEOPLE, p. 72.

|  |            |
|--|------------|
| I. COMITIA CURIATA, . . . . .                      | 73         |
| II. ——— CENTURIATA, . . . . .                      | 75         |
| Causes of assembling them, . . . . .               | 79         |
| Magistrates who presided at them, . . . . .        | <i>ib.</i> |
| Place where they were held, . . . . .              | 80         |
| Manner of summoning them, . . . . .                | <i>ib.</i> |
| Persons who had a right to vote at them, . . . . . | 81         |
| Candidates, . . . . .                              | <i>ib.</i> |
| Manner of proposing a Law, . . . . .               | 82         |
| Manner of taking the Auspices, . . . . .           | 83         |
| Manner of holding Comitia Centuriata, . . . . .    | 89         |
| III. COMITIA TRIBUTA, . . . . .                    | <i>ib.</i> |

### MAGISTRATES, p. 94.

|                                      |    |
|--------------------------------------|----|
| OF MAGISTRATES IN GENERAL, . . . . . | 96 |
| DIVISION OF MAGISTRATES, . . . . .   | 97 |
| KINGS, . . . . .                     | 98 |

#### I. ORDINARY MAGISTRATES.

|   |            |
|---|------------|
| I. CONSULS, . . . . .   | 100        |
| 1. First Creation, different Names, and Degrees of Consuls, . . . . . | <i>ib.</i> |
| 2. Power of the Consuls, . . . . .                                    | 101        |
| 3. Day on which they entered on their Office, . . . . .               | 103        |
| 4. Provinces of the Consuls, . . . . .                                | 104        |
| 5. From what Order they were created, . . . . .                       | 106        |
| 6. Legal Age, &c. for enjoying the Consulship, . . . . .              | 107        |
| 7. Alterations in their Condition under the Emperors, . . . . .       | 108        |
| II. PRÆTORS, . . . . .  | 109        |
| 1. Institution and Power of the Prætor, . . . . .                     | <i>ib.</i> |
| 2. Edicts of the Prætor, . . . . .                                    | 110        |
| 3. Insignia of the Prætor, . . . . .                                  | 112        |
| 4. Number of Prætors at different Times, . . . . .                    | 113        |
| III. CENSORS, . . . . .   | 115        |
| IV. TRIBUNES, . . . . .   | 121        |
| V. ÆDILES, . . . . .  | 128        |
| VI. QUÆSTORS, . . . . .   | 130        |
| OTHER ORDINARY MAGISTRATES, . . . . .                                 | 133        |
| NEW ORDINARY MAGISTRATES UNDER THE EMPERORS, . . . . .                | 134        |

#### II. EXTRAORDINARY MAGISTRATES.

|   |            |
|---|------------|
| I. DICTATOR, AND MASTER OF HORSE, . . . . . | 137        |
| II. DECEMVIRI, . . . . .                    | 140        |
| III. MILITARY TRIBUNES, . . . . .           | 142        |
| IV. INTERREX, . . . . .                     | <i>ib.</i> |
| OTHER EXTRAORDINARY MAGISTRATES, . . . . .  | <i>ib.</i> |

III. PROVINCIAL MAGISTRATES.

|  |      |
|--|------|
|  | Page |
| I. UNDER THE REPUBLIC, . . . . .                           | 143  |
| II. UNDER THE EMPERORS, . . . . .                          | 148  |
| RE-ESTABLISHMENT OF MONARCHY UNDER THE EMPERORS, . . . . . | 150  |
| PUBLIC SERVANTS OF THE MAGISTRATES, . . . . .              | 156  |

LAWS, p. 160.

|   |     |
|---|-----|
| JUS ET LEX, . . . . .                   | 160 |
| LAWS OF THE TWELVE TABLES, . . . . .    | 164 |
| Origin of Lawyers, . . . . .            | 165 |
| Consultation of Lawyers, . . . . .      | 167 |
| Lawyers under the Emperors, . . . . .   | ib. |
| LAWS MADE AT DIFFERENT TIMES, . . . . . | 168 |
| Laws of the Emperors, . . . . .         | 195 |
| <i>Corpus Juris</i> , . . . . .         | 196 |

JUDICIAL PROCEEDINGS, p. 197.

I. CIVIL TRIALS.

|   |     |
|---|-----|
| I. SUMMONING TO COURT, . . . . .            | 198 |
| II. REQUESTING A WRIT, . . . . .            | 199 |
| III. DIFFERENT KINDS OF ACTIONS, . . . . .  | 201 |
| 1. Real Actions, . . . . .                  | ib. |
| 2. Personal Actions, . . . . .              | 204 |
| 3. Penal Actions, . . . . .                 | 207 |
| 4. Mixed and Arbitrary Actions, . . . . .   | 209 |
| IV. DIFFERENT KINDS OF JUDGES, . . . . .    | 210 |
| V. APPOINTMENT OF JUDGES, . . . . .         | 212 |
| VI. FORM OF TRIAL, . . . . .                | 213 |
| VII. JUDGMENT, . . . . .                    | 215 |
| VIII. CONSEQUENCES OF A SENTENCE, . . . . . | 216 |

II. CRIMINAL TRIALS.

|                                    |     |
|------------------------------------|-----|
| I. BEFORE THE PEOPLE, . . . . .    | 218 |
| II. BEFORE INQUISITORS, . . . . .  | 220 |
| III. BEFORE THE PRÆTORS, . . . . . | 221 |
| 1. Choice of a Jury, . . . . .     | ib. |
| 2. The Accuser, . . . . .          | 222 |
| 3. The Accusation, . . . . .       | 223 |
| 4. Trial and Sentence, . . . . .   | 225 |
| 5. Punishments, . . . . .          | 232 |

RELIGION, p. 234.

|   |     |
|---|-----|
| I. DEITIES, . . . . .                                 | 234 |
| 1. <i>Dii majorum Gentium</i> , . . . . .             | ib. |
| 2. <i>Dii selecti</i> , . . . . .                     | 241 |
| 3. <i>Dii minorum Gentium</i> , . . . . .             | 245 |
| II. MINISTERS OF RELIGION, . . . . .                  | 249 |
| Priests of particular Gods, . . . . .                 | 266 |
| Servants of the Priests, . . . . .                    | 273 |
| III. PLACES OF WORSHIP AND RELIGIOUS RITES, . . . . . | 274 |

|                             |          |
|-----------------------------|----------|
| THE ROMAN YEAR, - - - - -   | Page 280 |
| DIVISION OF DAYS, - - - - - | 287      |
| ROMAN FESTIVALS, - - - - -  | 287      |

## GAMES, p. 293.

|   |     |
|---|-----|
| I. GAMES AND SHOWS OF THE CIRCUS, - - - - - | 293 |
| II. GLADIATORS, - - - - -                   | 299 |
| III. DRAMATIC ENTERTAINMENTS, - - - - -     | 305 |

## MILITARY AFFAIRS, p. 313.

|  |     |
|--|-----|
| I. LEVYING OF SOLDIERS, - - - - -  | 313 |
| II. DIVISION OF TROOPS, THEIR ARMS, OFFICERS, AND<br>DRESS, - - - - -      | 317 |
| III. DISCIPLINE OF THE ROMANS, THEIR MARCHES AND<br>ENCAMPMENTS, - - - - - | 323 |
| IV. ORDER OF BATTLE, AND DIFFERENT STANDARDS, - - - - -                    | 328 |
| V. MILITARY REWARDS, - - - - -   | 334 |
| VI. A TRIUMPH, - - - - -   | 336 |
| VII. MILITARY PUNISHMENTS, - - - - -                                       | 340 |
| VIII. MILITARY PAY AND DISCHARGE, - - - - -                                | 341 |
| IX. ATTACK AND DEFENCE OF TOWNS, - - - - -                                 | 343 |

## NAVAL AFFAIRS, p. 346.

## CUSTOMS, p. 357.

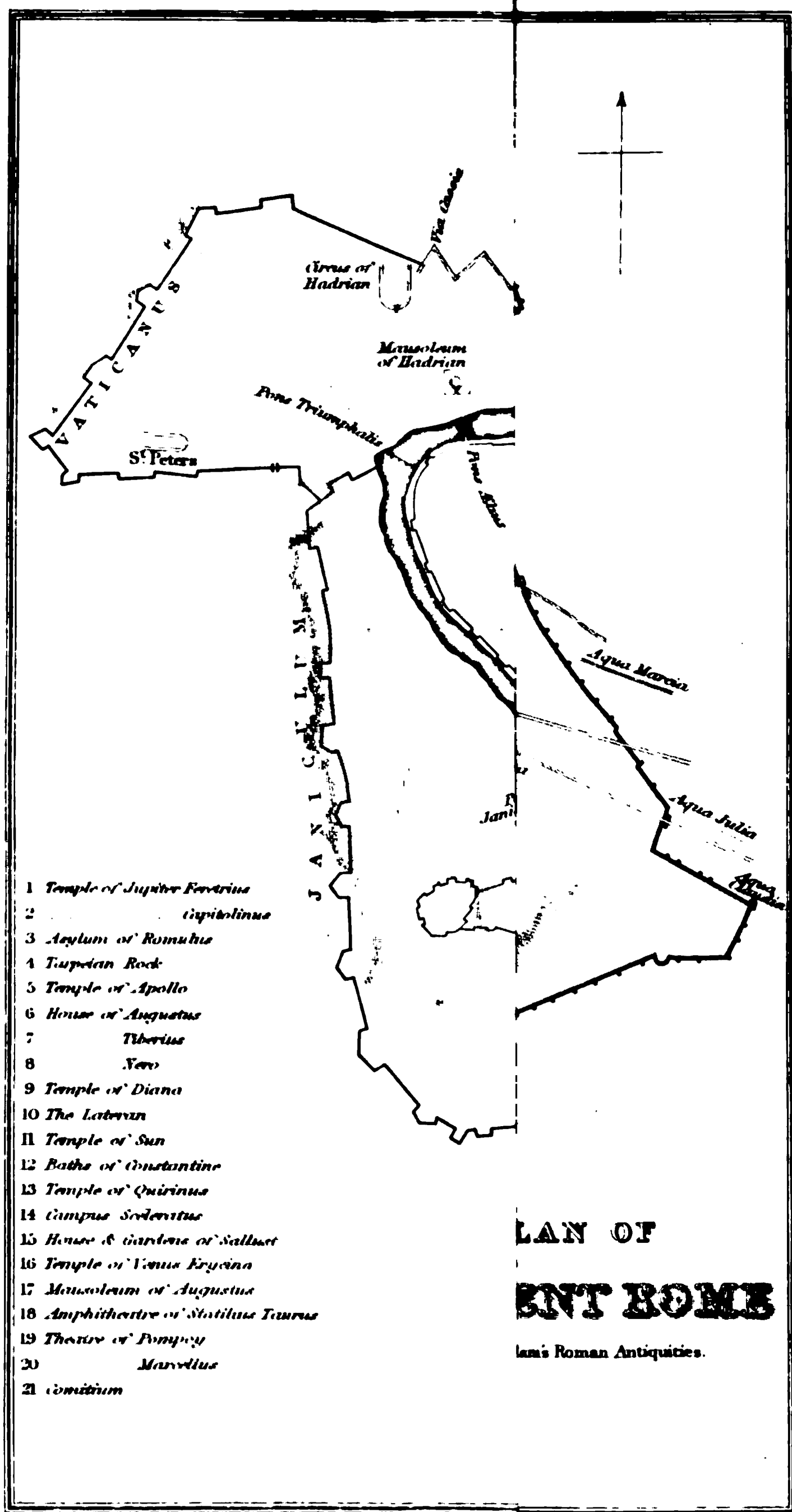
|                                      |     |
|--------------------------------------|-----|
| I. DRESS, - - - - -                  | 357 |
| II. ENTERTAINMENTS, - - - - -        | 377 |
| Posture at Meals, - - - - -          | 378 |
| Couches, - - - - -                   | 379 |
| Tables, - - - - -                    | 381 |
| Exercises, - - - - -                 | 383 |
| Baths, - - - - -                     | 385 |
| Favourite Dishes, - - - - -          | 389 |
| Wines, - - - - -                     | 394 |
| Cups, - - - - -                      | 400 |
| Private Games, - - - - -             | 402 |
| III. MARRIAGE, - - - - -             | 404 |
| Divorce, - - - - -                   | 411 |
| IV. FUNERALS, - - - - -              | 414 |
| WEIGHTS AND COINS, - - - - -         | 431 |
| METHOD OF COMPUTING MONEY, - - - - - | 436 |
| INTEREST OF MONEY, - - - - -         | 440 |
| MEASURES OF LENGTH, - - - - -        | 443 |
| ----- CAPACITY, - - - - -            | 444 |
| METHOD OF WRITING, - - - - -         | 445 |
| LIBRARIES, - - - - -                 | 455 |
| HOUSES OF THE ROMANS, - - - - -      | 456 |
| Spinning and Weaving, - - - - -      | 459 |
| Chimneys and Windows, - - - - -      | 462 |











A

# SUMMARY

OF

## ROMAN ANTIQUITIES.

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### *THE FOUNDATION OF THE CITY.*

ROME was founded by Romulus and a colony from *Alba Longa*\*, 753 years, as it is commonly thought, before the birth of Christ. They began to build on the 21st day of April, which was called *Palilia*, from Pales, the goddess of shepherds, to whom it was consecrated, and was ever after held as a festival; (*dies natalis urbis Romæ*). Vell. Paterc. i. 8. Ovid. Fast. iv. 806. [vi. 257.]

### *DIVISION OF THE PEOPLE.*

ROMULUS divided the people of Rome into three TRIBES: and each tribe into ten CURIÆ [or wards]. The number of tribes was after-

\* “ Love for the home that fate had assigned to them, led the youths (Romulus and Remus) to the banks of the Tiber to found a city there. The shepherds, their old comrades, were the first citizens; of their being joined by Albans, nay even by Trojan nobles, the ancient tradition certainly knew nothing; the Julii and similar houses appear not till after the destruction of Alba.” — *Niebuhr, Hist. of Rome*, i. p. 187. “ From the wish of Romulus to form treaties of marriage with the neighbouring tribes, it is clear that the earliest tradition did not consider Rome as a colony of Alba, and as a Latin city; much less say any thing about an emigration of noble houses. As a colony, Rome would have had the right of intermarriage with all Latin cities from the first.” — P. 191. note. “ He that looks for historical truth, and consequently for connection, in the story of the first century of Rome, must find it wholly incomprehensible that Alba disappears altogether the moment the city is founded. The tradition neither contains any report of aid sent by the mother city during the danger that threatened Rome; nor any explanation how Romulus, if the race of Æneas became extinct with Numitor, was kept excluded from their throne. Here both what is said, and what is not said, tends to establish the nature of those accounts, which we are told are historical. Alba and Roma were entirely strangers to each other: in the legend of the fall of the former city, it is not the Silvii who reign there, but C. Cluilius as dictator, prætor, or king.” — P. 297.

wards increased by degrees to thirty-five. They were divided into country and city tribes (*rusticæ et urbanæ*). The number of the *curiæ* always remained the same. Each *curia* anciently had a chapel or temple for the performance of sacred rites, *Varro de Lat. Ling.* iv. 32. *Tacit. Ann.* xii. 24. *Dionys.* ii. 23. He who presided over one *curia* was called CURIO (*quia sacra curabat*, Festus); he who presided over them all, CURIO MAXIMUS, [*Ovid. F.* ii. 527.]

From each tribe Romulus chose 1000 foot-soldiers, and 100 horse. These 3000 foot and 300 horse, were called LEGIO, a legion, because the most warlike were chosen, *Plutarch. in Romulo*. Hence one of the thousand which each tribe furnished was called MILES, *Varro de Lat. Ling.* iv. 16. (*unus ex mille*) Isidor. ix. 3. The commander of a tribe was called TRIBUNUS (*φύλαρχος vel τριτύαρχος*), *Dionys.* ii. 7. *Veget.* ii. 7.

The whole territory of Rome, then very small, was also divided into three parts, but not equal. One part was allotted for the service of religion, and for building temples; another, for the king's revenue, and the uses of the state; the third and most considerable part was divided into thirty portions, to answer to the thirty *curiæ*, *Dionys.* ii. 7.

The people were divided into two ranks (*ordines*), PATRICIANS and PLEBEIANS\*; connected together as PATRONS and CLIENTS, *Dionys.* ii. 9. In aftertimes a third order was added, namely, the EQUITES.

## THE SENATE.

### 1. THE INSTITUTION AND NUMBER OF THE SENATE.

THE Senate was instituted by Romulus, to be the perpetual council of the Republic, (*Consilium reipublicæ sempiternum*, Cic. pro Sextio, 65.) It consisted at first only of 100. They were chosen from among the Patricians; according to *Dionysius of Halicarnassus*, ii. 12. three were nominated by each tribe, and three by each *curia*. To these ninety-nine Romulus himself added one, to preside in the senate, and have the care of the city in his absence. The senators were called PATRES†, either upon account of their age, or their paternal care of

\* "Removes were made from one body to the other, for the sake of honour: thus, *Tac. Ann.* xi. 25. *Iisdem diebus in numerum patriciorum adscivit* (Claudius) *Cæsar vetustissimum quemque e senatu, aut quibus clari parentes fuerant.* So of *Agricola*, § 9. *Revertentem ab legatione legionis divus Vespasianus inter patricos adscivit.*"—T.

† "The name is by no means confined to the senators; on the contrary, whenever the younger *patres* are mentioned, they must be considered as opposed to the senate. It is to be understood no less of the whole body of patricians individually, or of the general assembly of the curies. The contrast between the senior and junior *patres* often occurs in Livy, from the beginning of the plebeian disturbances until after the decemviral government; the former being represented as inclined to reconciliation, the latter as more obstinate and violent. In the senate, there were only the seniors, men who had passed the age of military service: all the juniors had places in the curies. The following instance is the most decisive: L. Furius and C. Manlius, when accused, *circumeunt sordidati non plebem magis quam juniores patrum*, (ii. 54.) How can this mean only a part of the senate? Who can conceive that the

the state; certainly out of respect; *Liv.* i. 8. [*Sall. Cat.* vi.]; and their offspring, PATRICII\*, (*qui patrem ciere possent*, i. e. *ingenui*, *Liv.* x. 8. *Dionys.* ii. 8. *Festus.*) After the Sabines were assumed into the city, another hundred was chosen from them, by the suffrages of the *curiæ*, *Dionys.* ii. 47. But, according to *Livy*, i. 17. 30., there were only 100 senators at the death of Romulus, and their number was increased by Tullus Hostilius, after the destruction of Alba. Tarquinius Priscus, the fifth king of Rome, added 100 more, who were called PATRES MINORUM GENTIUM.† Those created by Romulus, were called PATRES MAJORUM GENTIUM, *Tacit. Annal.* xi. 25. and their posterity, *Patricii Majorum Gentium*. This number of 300‡ continued, with small variation, to the times of Sylla, who increased it; but how many he added is uncertain. It appears there were at least above 400, *Cic. ad Attic.* i. 14.

In the time of Julius Cæsar, the number of senators was increased to 900, *Dio.* xliii. 47. and after his death to 1000; many worthless persons having been admitted into the senate during the civil wars, *Id.* lii. 42. one of whom is called by Cicero self-chosen (*lectus ipse a se*,) *Phil.* xiii. 13. But Augustus reduced the number to 600, *Suet. Aug.* 35. *Dio.* liv. 14.

Such as were chosen into the senate by Brutus, after the expulsion of Tarquin the Proud, to supply the place of those whom that king had slain, were called CONSCRIPTI, i. e. persons *written* or *enrolled together with* the old senators, who alone were properly styled *Patres*. Hence the custom of summoning to the senate those who were *Patres*, and who were *Conscripti*; (*ita appellabant in novum senatum lectos*, *Liv.* ii. 1.) Hence, also, the name *Patres Conscripti* (sc. *et*) was afterwards usually applied to all the senators.

## 2. THE CHOOSING OF SENATORS.

PERSONS were chosen into the senate, (*Senatus legebatur*, *Liv.* xl. 51. *vel in senatum legebantur*, *Cic. Cluent.* 47.) first by the kings§, *Liv.* i.

accused neglected those very senators whose years would give them the greatest influence? Compare also ii. 28. iii. 14, 15. 65." — *Nieb.* i. p. 281.

\* The distinction of *Patricians* and *Plebeians* having been stated to exist previously to the election of senators, who were chosen from the former body, there is an evident contradiction in thus deducing the title of *Patricii* from that of *Patres*, as applied to the senators. See the note of Niebuhr above.

† *Liv.* i. 85. "Tacitus *Ann.* xi. 25. refers this to Lucius Brutus." — *T.*

‡ "The Roman senate of 300, stands in the same relation to the days of the cyclical year (304) as the number of the Athenian houses (360) to those of the cyclical year (365). At Sparta, the 28 γέροντες, together with the kings, corresponded to the number of days in the month. From a like reference, I explain the singular number of the council of 104 at Carthage; i. e. twice the number of the weeks in the year." — *Nieb.* i. p. 291.

§ "Livy seems to ascribe the choice of all the senators to the king in the passage referred to (i. 8.); nevertheless it is not clear," says Mr. Hooke (*Rom. Hist.* i. p. 36.), "that the 100 senators were created by the single authority of the king, and in virtue of his royal prerogative." In whom resided the power of creating senators? is a question which neither Livy nor any of the Latin writers "treat professedly, but touch only incidentally; and it is natural to all, upon the slight

8. 30. 35. and after their expulsion, by the CONSULS, *Liv.* ii. 1. and by the military tribunes, *Festus in Præteriti Senatores*; but from the year of the city 310, by the censors: at first only from the Patricians, but afterwards also from the Plebeians, *Liv.* ii. 32. v. 12.\* chiefly, however, from the *Equites*; whence that order was called *Seminarium Senatûs*, *Liv.* xlii. 61.

Some think that the senate was supplied from the annual magistrates [*Cic. pro Rab.* 7. *pro Cluent.* 56.], chosen by the people, all of whom had, of course, admittance into the senate, but that their senatorial character was not esteemed complete, till they were enrolled by the censors at the next *Lustrum*; at which time, also, the most eminent private citizens were added to complete the number. See *Middleton on the Roman Senate*.†

and occasional mention of an event, to ascribe it to the principal agent concerned in its production." — "Thus, when Livy tells us that the præfect of the city created the first consuls (i. 60.), and that Brutus, one of these consuls, created P. Valerius his colleague in that office (ii. 2.), or that the Interrex on other occasions, created the consuls (ix. 7.); or, that the *Pontifex Maximus* was ordered by the senate to create the first tribunes (iii. 54.), he means nothing more than that those magistrates called the people together, in order to make such creations, in which they assisted and presided." "Ibi extemplo, Pontifice Maximo comitia habente, Tribunos plebis creaverunt." (*Ibid.*) — *Middleton on the Roman Senate*, p. 18.

\* In the latter passage, the first mention is made by Livy of a plebeian senator, P. Licinius Calvus, A. U. C. 355. Niebuhr (ii. p. 429.) conjectures that he may have earned his rank through the quæstorship, which office was open to the plebeians at that period.

† Middleton, in his *Life of Cic.* vol. i. p. 74., has the following passage: — "Though, strictly speaking, none were held to be complete senators till they were enrolled at the next lustrum, in the list of the censors, yet that was only matter of form, and what could not be denied to them, unless for the charge and notoriety of some crime, for which every other senator was equally liable to be degraded. The quæstors, therefore, chosen annually by the people, were the regular and ordinary supply of the vacancies of the senate, which consisted at this time of about 500; by which excellent institution, the way to the highest order in the state was laid open to the virtue and industry of every private citizen; and the dignity of this sovereign council maintained by a succession of members, whose distinguished merit had first recommended them to the notice and favour of their countrymen." In support of this, he quotes from Cicero, *pro Sext.* 65. *Majores nostri, cum regum potestatem non tulissent, ita magistratus annuos creaverunt, ut consilium senatus reipublicæ proponerent sempiternum; deligerentur autem in id consilium ab universo populo, aditusque in illum summum ordinem omnium civium industriæ ac virtuti pateret.* Upon the statement of Middleton, with reference to quæstors, Hooke (*Rom. Hist.* b. vi. c. viii. note) makes the following judicious comment: — "That from Sylla's dictatorship to the time of Cicero's quæstorship (a short period of six or seven years), the quæstors were the regular and ordinary supply of the vacancies of the senate (though, perhaps, it cannot be proved), may well enough be imagined; because the quæstors chosen annually, were then twenty in number. But the passage from Cicero refers to the times before Sylla, and even to the earliest times of the republic. Now, the number of quæstors annually chosen was, to the year of Rome 393, only two; from that time to 488, but four; and thence to Sylla's dictatorship, in 672, did not exceed eight; which last and largest number, if sufficient to supply the vacancies of a senate consisting of 300 members (many of whom serving in the wars, some must be supposed to perish in battle), yet, certainly, could not be sufficient to furnish annually ten new tribunes and four new ædiles. Of these fourteen magistrates, who are all supposed by the learned historian to have places in the senate, six must, every year, taking one year with another, obtain their magistracies, and rise to the senate, without passing through the office of quæstor."

After the overthrow at the battle of Cannæ, a Dictator was created for choosing the senate, *Liv.* xxiii. 22. After the subversion of liberty, the Emperors conferred the dignity of a senator on whom they thought fit. Augustus created three men to choose the senate, and other three to review the *Equites*, in place of the censors. *Suet. Aug.* 37. *Dio.* lv. 13.

He whose name was first entered in the censor's books, was called PRINCEPS SENATUS, which title used to be given to the person who of those alive had been censor first, (*qui primus censor, ex iis qui viverent, fuisset*,) but after the year 544, to him whom the censors thought most worthy, *Liv.* xxvii. 11. This dignity, although it conferred no command or emolument, was esteemed the very highest, and was usually retained for life, *Liv.* xxxiv. 44. xxxix. 52. It is called PRINCIPATUS; and hence afterwards the Emperor was named *Princeps*, which word properly denotes only rank, and not power.

In choosing senators, regard was had not only to their rank, but also to their age and fortune.

The age at which one might be chosen a senator (ÆTAS SENATORIA) is not sufficiently ascertained; although it appears that there was a certain age requisite, *Cic. de Lege Manil.* 21. *Tacit. Ann.* xv. 28. Anciently senators seem to have been men advanced in years, as their name imports. *Sallust. Cat.* 6. *Cic. de Sen.* 6. *Ovid. Fast.* v. 63. *Flor.* i. 15. But in aftertimes the case was otherwise. It seems probable, however, that the age required for a senator was not below thirty; from certain laws given to foreign nations, at different times, in imitation of the Romans, *Cic. in Verr.* ii. 49. *Plin. Ep.* x. 83. for there is no positive assertion on this subject in the classics.

The first civil office which gave one admission into the senate was the Quæstorship, which some have imagined might be enjoyed at twenty-five, and consequently that one might then be chosen a senator; from *Dion Cassius*, lii. 20. Others think at twenty-seven, on the authority of *Polybius*, vi. 17., who says, that the Romans were obliged to serve ten years in the army before they could pretend to any civil magistracy; and as the military age was seventeen, of consequence that one might be made quæstor at twenty-seven. But few obtained that office so early: and Cicero, who often boasts that he had acquired all the honours of the city, without a repulse in any, and each in his proper year (*suo anno*), [*de Lege Agr.* ii. 2.], or as soon as he could pretend to it by law, had passed his thirtieth year before he obtained the quæstorship, which he administered the year following in Sicily. So that the usual age of enjoying the quæstorship, (*ætas quæstoria*,) and of course of being chosen a senator, in the time of Cicero, seems to have been thirty-one.

But although a person had enjoyed the quæstorship, he did not on that account become a senator, unless he was chosen into that order by the censors, *Gell.* iii. 18. But he had ever after the right of coming into the senate, and of giving his opinion on any question, *Cic. in Verr.* v. 14. *Ep. ad Fam.* ii. 7. About this, however, writers are not agreed. It is at least certain, that there were some offices which gave persons a legal title to be chosen into the senate, (*unde in senatum legi deberent*,) *Liv.* xxii. 49. Hence, perhaps, the senators are sometimes said to have been chosen by the people, (*lecti jussu*



*populi*,) Liv. iv. 4. Cic. pro Sext. 65. And Cicero often in his orations declares, that he owed his seat in the senate, as well as his other honours, to the favour of the people, *post Red. in Senat.* 1. He asserts the same thing in general terms, in *Verr.* iv. 11. *pro Cluent.* 56.

Persons also procured admission into the senate by military service, *Senatorium per militiam auspicabantur gradum*, Senec. Ep. 47. So Liv. xxiii. 23.

When Sylla, after the destruction occasioned by his civil wars and proscriptions, thought proper to admit into the senate about 300 *Equites*, he allowed the people to give their vote concerning each of them in an assembly by tribes, *Appian. de Bell. Civ.* vi. 413. But Dionysius says, that Sylla supplied the senate with any persons that occurred to him, v. 77. and probably admitted some of the lowest rank, *Dio.* xl. 63.

The *Flamen* of Jupiter had a seat in the senate, in right of his office, Liv. xxvii. 8.; a privilege which none of the other priests enjoyed, Cic. Att. iv. 2.

Augustus granted to the sons of senators, after they assumed the *manly gown*, the right of wearing the *latus clavus*, and of being present at the debates of the senate, that thus they might become the sooner acquainted with public affairs, (*quo celerius reipublicæ assuescerent*,) Suet. Aug. 38. They also had the privilege of wearing the crescent on their shoes, *Stat. Sylv.* v. 2. 28.

No one could be chosen into the senate who had exercised a low trade, or whose father had been a slave (*libertino patre natus*, Horat. Sat. i. 6, 21. 44.): but this was not always observed. Appius Claudius Cæcus first disgraced (*inquinavit vel deformavit*) the senate, by electing into it the sons of freedmen (*libertinorum filiis lectis*,) Liv. ix. 29. 46. or the grandsons, according to Suetonius, Claud. 24. who says, that *libertini*, in the time of Appius, did not denote those who were freed, but their progeny (*ingenuos ex his procreatos*); a distinction which nowhere occurs in the classics. Sex. Aur. Victor calls those chosen by Appius LIBERTINI; *de Vir. illust.* 34. But nobody regarded that election, whatever it was, as valid, Liv. ix. 46. and the next consuls called the senate in the order of the roll which had been in use before the censorship of Appius, *Ibid.* 30. It appears, however, that freedmen were admitted into the senate, at least towards the end of the republic. For Dion Cassius, xl. 63. speaking of the censorship of Appius Claudius, and Piso, the father-in-law of Cæsar, A. U. 704, says that Appius excluded not only all freedmen (*ἀπελιούργητοι*,) but also many noblemen, and among the rest Sallust the historian, for having been engaged in an intrigue with Fausta, the daughter of Sylla, and wife of Milo, (*a quo deprehensus, virgis cæsus erat*,) Gell. xvii. 18. Serv. in Virg. *Æn.* vi. 612. Acron. in Horat. Sat. i. 2, 41. Cæsar admitted into the senate not only his officers, *Dio.* xlii. 51. but even his mercenary soldiers, *Id.* xliii. 20. xlviii. 22. lii. 25. and 42. all of whom Augustus removed, *Ibid.* at which time he was so apprehensive of danger, that when he presided in the senate, he always wore a coat of mail under his robe, and a sword, with ten of the stoutest of his senatorian friends standing round his chair, *Suet. Aug.* 35.

In the year of Rome 535, a law was made that no senator, or father

of a senator, should keep a bark above the burden of 300 *amphoræ*, or eight tons; for this was reckoned sufficient to carry their grain from their farms, and it seemed below a senator to reap advantage by merchandise, *Liv.* xxi. 63. *Cic. in Verr.* v. 18.

Anciently no regard seems to have been paid to the fortune (CENSUS) of a senator, *Plin.* xiv. 1. and when it was first fixed does not appear. But in the flourishing state of the republic, as we learn from Suetonius, it behoved every senator to have at least *eight hundred sestertia*, or 800,000 *sestertii*, which are computed to amount to between *six and seven thousand pounds sterling*; not annually, but for their whole fortune. Augustus raised it to 1200 *sestertia*, and supplied the deficiency to those who had not that sum, *Suet. Aug.* 41. Cicero also mentions a certain fortune as requisite in a senator, *Fam.* xiii. 5.

Every *lustrum*, i. e. at the end of every fifth year, the senate was reviewed by one of the censors; and if any one by his behaviour had rendered himself unworthy of that high rank, or had sunk his fortune below that of a senator, his name was passed over by the censor in reading the roll of senators; and thus he was held to be excluded from the senate (*motus e senatu*).

But this, though disgraceful, did not render persons *infamous*, as when they were condemned at a trial; for the *ignominy* might be removed by the next censors, or they might obtain offices which again procured them admittance into the senate, *Cic. pro Cluent.* 42. as was the case with C. Antonius, who was consul with Cicero; and with P. Lentulus, who was prætor at the time of Catiline's conspiracy, *Dio.* xxxviii. 30. Thus also Sallust the historian, that he might recover his senatorian dignity, was made prætor by Cæsar, *Dio.* xliii. 52. and afterwards governor of Numidia, where he did not act as he wrote *οὐκ* (ἰμμήσατο τῷ ἔργῳ τοὺς λόγους,) *Id.* xliii. 9. but by rapacity and extortion accumulated a great fortune, which he left to his grand-nephew, *Tacit. Annal.* iii. 30. *Horat. Od.* ii. 2.

This indulgence of being enrolled in the senate as supernumerary members, without a formal election, was first granted to magistrates by the censors, A. U. 693. *Dio.* xxxvii. 46.

There was a list of the senators, (ALBUM SENATORIUM, λεύκωμα vel ἀναγραφὴ βουλευτῶν,) where all their names were written, which, by the appointment of Augustus, used to be annually pasted up in the senate-house, *Dio.* lv. 3. *et Fragment.* 137. and the name of any senator who had been condemned by a judicial sentence, was erased from it, *Tacit. Annal.* iv. 42.

### 3. THE BADGES AND PRIVILEGES OF SENATORS.

THE Badges (*insignia*) of senators were, 1. The *Latus clavus*, or *Tunica laticlavia*, i. e. a tunic or waistcoat with an oblong broad stripe of purple, like a ribbon, sewed to it on the fore part. It was broad, to distinguish it from that of the Equites, who wore a narrow one. 2. Black buskins reaching to the middle of the leg, *Horat. Sat.* i. 6, 28. with the letter C in silver on the top of the foot, *Juv.* vii. 192. Hence *calceos mutare*, to become a senator, *Cic. Phil.* xiii. 13. 3. A particular place at the public spectacles, called ORCHESTRA,



next the stage in the theatre, and next the *arena* in the amphitheatre, *Cic. Cluent.* 47.

This was first granted them by P. Cornelius Scipio the elder, in his consulship, A. U. 558. *Liv.* xxxiv. 54. Hence *Orchestra* is put for the senate itself, *Juv.* iii. 177.

In the games of the circus, the senators sat promiscuously with the other citizens, till the Emperor Claudius assigned them peculiar seats there also, *Suet. Claud.* 21. *Dio.* lx. 7.

On solemn festivals, when sacrifices were offered to Jupiter by the magistrates, (*in epulo Jovis*, vel *in cœna Diali*,) the senators had the sole right of feasting publicly in the Capitol, *Gell.* xii. 8. *Dio.* xlviii. 52. dressed in their senatorian robes, and such as were proper to the offices which they had borne in the city, *Cic. Phil.* ii. 43. *Senec. contr.* i. 18. When Augustus reduced the number of the senate, he reserved to those who were excluded, the badge of their dress, and the privilege of sitting in the *Orchestra*, and of coming to those public entertainments, (*publicè epulandi jus*,) *Suet.* Aug. 35.

#### 4. THE ASSEMBLING OF THE SENATE, AND THE TIME AND PLACE OF ITS MEETING.

THE senate was assembled (*convocabatur* vel *cogebatur*) at first by the kings, *Liv.* i. 48. after the expulsion of Tarquin, usually by the consuls, and in their absence by the prætors, *Cic. Ep. Fam.* x. 12. 28. also by the dictator, master of horse, *Liv.* viii. 33. *decemviri*, military tribunes, *interrex*, præfect of the city, *Liv.* iii. 9. & 29. *A. Gell.* xiv. 7. and by the tribunes of the commons, who could summon the senate although the consuls were present, and even against their will; *Cic. Ep. Fam.* x. 28. xi. 6. *de Orat.* iii. 1. *Gell.* xiv. 8. The Emperors did not preside in the senate unless when invested with consular authority, (*Princeps præsidebat; erat enim consul;*) *Plin. Ep.* ii. 11. *Paneg.* 76.

The senators were summoned (*arcessebantur, citabantur, vocabantur, in senatum vocabantur, &c.*) anciently by a public officer named VIATOR, because he called the senators from the country, *Cic. de Sen.* 16. or by a PUBLIC CRIER, when any thing had happened about which the senators were to be consulted hastily, and without delay, *Liv.* iii. 38. but in later times by an EDICT, appointing the time and place, and published several days before, *Cic. Phil.* iii. 8. not only at Rome, but sometimes also in the other cities of Italy, *Cic. ad Att.* ix. 17. The cause of assembling it used also to be added, CONSULTANDUM SUPER RE MAGNA ET ATROCI, *Tacit. Annal.* ii. 28. *Edicere senatum in proximum diem; Edicere ut senatus adesset, &c.* *Cic. et Liv.* passim.

If any senator refused or neglected to attend, he was punished by a fine and distraining his goods, (*multâ et pignoris captione*,) unless he had a just excuse, *Liv.* iii. 38. *Cic. Phil.* i. 5. *Plin. Ep.* iv. 29. The fine was imposed by him who held the senate, and pledges were taken till it was paid.\* But after sixty or sixty-five years of age,

\* "Cic. Orat. iii. 1. Hic cum Philippo (consuli) quasi quasdam verborum faces admovisset, non tulit ille, et graviter exarsit, pignoribusque ablatis Crassum

senators might attend or not as they pleased, *Senec. de Brev. Vitæ*, 20. *Controv.* i. 8. *Plin. Ep.* iv. 23.

The senate could not be held but in a temple, that is, in a place consecrated by the augurs, *Gell.* xiv. 7. that thus their deliberations might be rendered more solemn, *Cic. Dom.* 51.

Anciently there were but three places where the senate used to be held (*Curia* v. *Senacula*); two within the city, and the temple of Bellona without it, *Festus*. Afterwards there were more places, as the temples of *Jupiter Stator*\*, *Apollo*, *Mars*, *Vulcan*, *Tellus*; of *Virtue*, *Faith*, *Concord*, &c. Also the *Curia Hostilia*, *Julia*, *Octavia*, and *Pompeia*; which last was shut up after the death of Cæsar, because he was slain in it, *Suet. Jul.* 88. These *Curia* were consecrated as temples by the augurs, but not to any particular deity. When Hannibal led his army to Rome, the senate was held in the camp of Flaccus the Proconsul, betwixt the *Porta Collina* and *Esquilina*, *Liv.* xxvi. 10.

When a report was brought that an ox had spoken, a thing frequently mentioned in ancient authors, the senate was held under the open air, *Plin. Hist. Nat.* viii. 45.

On two special occasions the senate was always held without the city, in the temple of Bellona or of Apollo; for the reception of foreign ambassadors, especially of those who came from enemies, whom they did not choose to admit into the city; and to give audience (*cum senatus datus est*) to their own generals, who were never allowed to come within the walls while in actual command, *Liv.* iii. 63. xxxi. 47. xxxiii. 22. 24. xxxiv. 43. xxxvi. 39. xlii. 36. *Senec. Benef.* v. 15.

The senate met (*conveniebat*) at stated times, on the kalends, nones, and ides of every month; unless when the comitia were held. For on those days (*diebus comitialibus*) it was not lawful to hold a senate, *Cic. ad Frat.* ii. 2. *ad Fam.* i. 4. nor on unlucky days (*diebus nefastis* v. *atris*), unless in dangerous conjunctures, *Id.* viii. 8. *Liv.* xxviii. 53. xxxix. 39, in which case the senate might postpone the comitia; *Ibid.* & *Cic. Mur.* 25.

An ordinary meeting of the senate was called *Senatus LEGITIMUS*, *Suet. Aug.* 35. If an extraordinary senate was given to ambassadors or others for any reason whatever, it used to be called *INDICTUS* or *EDICTUS*, and then the senators were usually summoned by an edict, whereby anciently those were ordered to attend

instituit coërcere. Tum Crassus: An tu, cum omnem auctoritatem universi ordinis pro pignore putâris, eamque in conspectu populi Romani concideris; me his pignoribus existimas posse terreri? Non tibi illa sunt cœdenda, si Crassum vis coërcere: hæc tibi est excidenda lingua, &c. It has occurred to my mind, that this act of cœdere, &c. might be to tear the paper of security, not to destroy it, and by such tearing to declare the security forfeited.—T. “Hinc sua pignora cœdere, sibi ipsi damno esse, seipsum lædere: proverbialis locutio: *Tibull. Carm.* iv. 13, 17. Quid facis demens? Heu, heu, mea pignora cædo.” —Facciolati.

\* “*Cic. de Div.* i. 28. Nam illud mihi ipsi celeriter nuntiatum est, ut audivisses in monumento Marii de tuo reditu magnificentissimum illud senatus consultum esse factum.”—T. From comparing this passage with *Val. Max.* i. 7. it appears that it was a temple of *Jupiter* built by Marius in which the decree for the recall of Cicero from exile was made. So in *Tac. Ann.* iii. 72. *Æmilia monumenta* are buildings erected by *Æmilius Paulus*.

who were PATRES, and who were CONSCRIPTI, *Liv.* ii. 1. but afterwards, "those who were senators, and who had a right to deliver their opinion in the senate." (QUI SENATORES, QUIBUSQUE IN SENATU SENTENTIAM DICERE LICERET, UT ADESSENT; and sometimes, UT ADESSENT FREQUENTES, AD VIII. CAL. DECEMBR. &c. *Cic. et Liv. passim.*)

No decree of the senate could be made unless there was a quorum, (*nisi senatorum numerus legitimus adesset.*) What that was is uncertain. Before the times of Sulla, it seems to have been 100, *Liv.* xxxix. 18. Under Augustus it was 400, which, however, that Emperor altered, *Dio.* liv. 35. lv. 3. If any one wanted to hinder a decree from being passed, and suspected there was not a quorum, he said to the magistrate presiding, NUMERA SENATUM, Count the senate, *Cic. Ep. Fam.* viii. 11. *Festus* in NUMERA.

Augustus enacted, that an ordinary meeting of the senate should not be held oftener than twice a month, on the Kalends and Ides; and in the months of September and October, that only a certain number chosen by lot should attend, *Suet. Aug.* 35. This regulation was made under pretext of easing the senators, but in reality with a view to diminish their authority, by giving them less frequent opportunities of exercising it. Augustus chose a council for himself every six months, (*consilia semestria sortiri,*) to consider beforehand what things should be laid before a full house, (*ad frequentem senatum,*) *Ibid.*

The senate met always of course on the first of January, for the inauguration of the new consuls, who entered into their office on that day, and then usually there was a crowded house.

He who had the *fascēs* presided, and consulted the fathers, first, about what pertained to religion (*de rebus divinis*), about sacrificing to the gods, expiating prodigies, celebrating games, inspecting the books of the Sibyls, &c. *Liv.* viii. 8.; next about human affairs, namely, the raising of armies, the management of wars, the provinces, &c. The consuls were then said to consult the senate about the republic in general, (*de republica* indefinitely,) and not about particular things, (*de rebus singulis* finitè, *Aul. Gell.* xiv. 7.) The same was the case in dangerous junctures, when the senate was consulted about the safety of the republic, (*de summa republica*, v. *tota*,) *Cic. passim.*

The month of February was commonly devoted to hear embassies and the demands of the provinces, *Cic. ad Fratr.* ii. 3. 12. *ad Fam.* i. 4. *Ascon. in Verr.* i. 35.

##### 5. THE MANNER OF HOLDING AND CONSULTING THE SENATE.

THE magistrate, who was to hold the senate, offered a sacrifice, and took the auspices, before he entered the senate-house, *Plin. Pan.* 76. *Gell.* xiv. 7. If the auspices were not favourable, or not rightly taken, the business was deferred to another day, *Cic. Epist.* x. 12.

Augustus ordered that each senator, before he took his seat, should pay his devotions, with an offering of frankincense and wine, at the altar of that god in whose temple the senate were assembled, that thus they might discharge their duty the more religiously, *Suet. Aug.* 35.

When the consuls entered the senate-house, the senators commonly rose up to do them honour, *Cic. Pis.* 12.

The senate was consulted about every thing pertaining to the administration of the state, except the creation of magistrates, the passing of laws, and the determination of war and peace; all which properly belonged to the whole Roman people, *Dionys.* ii. 14.

The senate could not determine about the rights of Roman citizens without the order of the people, *Liv.* xxvi. 33.

When a full house was assembled, the magistrate presiding, whether consul or prætor, &c. laid the business before them in a set form: QUOD BONUM, FAUSTUM, FELIX, FORTUNATUM SIT; REFERIMUS AD VOS, PATRES CONSCRIPTI. Then the senators were asked their opinion in this form: DIC SP. POSTHUMI, QUID CENSES? *Liv.* i. 32. ix. 8. or QUID FIERI PLACET? QUID TIBI VIDETUR?

In asking the opinions of the senators, the same order was not always observed; but usually the *princeps senatûs* was first desired to deliver his opinion\*, unless there were consuls elect, who were always asked first, *Sall. Cat.* 50. *Cic. Phil.* v. 13. *Fam.* viii. 4.; and then the rest of the senators according to their dignity, *Consulares*†, *Prætorii*, *Ædilitii*, *Tribunitii*, et *Quæstorii*, which is also thought to have been their order in sitting, *Cic. Phil.* 13.

The benches on which the senators sat (*subsellia*), *Cic. Cat.* i. 7. were probably of a long form, *Cic. Fam.* iii. 9. as that mentioned by Juvenal (*longa cathedra*), ix. 52. and distinct from one another, each fit to hold all the senators of a particular description; some of them shorter, as those of the tribunes, which seem to have held only a single person, *Suet. Cl.* 23. The consuls sat in the most distinguished place, on their curule chairs, *Cic. Ibid.* & *Cat.* iv. 1.

As the consuls elect were first asked their opinion, so the prætors, tribunes, &c. elect, seem to have had the same preference, before the rest of their order, *Cic. ad Att.* xii. 21. in *Verr.* v. 14. He who held the senate might ask first any one of the same order he thought proper, which he did from respect or friendship, *Cic. post redit. in Senat.* 7. *Liv.* v. 20. *Gell.* iv. 10. xiv. 7. Senators were sometimes asked their opinions by private persons; (*multi rogabantur, atque idipsum consuli-bus invitis*;) *Cic. Fam.* i. 2.

The consuls used to retain through the whole year the same order which they had observed in the beginning of their office, *Suet. Jul.* 21. But in later times, especially under the Emperors, they were asked in what order the magistrate who presided thought proper, *Cic. Att.* i. 13. *Plin. Ep.* ix. 13. When they were all asked their opinions, they were said *perrogari*, *Liv.* xxix. 18. *Plin. Pan.* 60. and the senate to be regularly consulted, or the affair to be deliberated about, (*ordine consuli*,) *Liv.* ii. 28. and 29. Augustus observed no certain

\* See under the head of Consuls, § 3.

† The opinions of the Consular order (*Consulares*) had always great authority with the senate; for having passed through all the public offices, and being conversant in every branch of the administration, they were looked upon not only as men of great experience, but, generally, as more disinterested than the other members of the senate; having little or nothing farther to expect for themselves. — See *Middleton's Cicero*, i. p. 201.

rule in asking the opinions of the senators, that thereby they might be rendered the more attentive, *Suet.* 35.

Nothing could be laid before the senate against the will of the consuls, unless by the tribunes of the people, who might also give their negative (*moram facere*) against any decree, by the solemn word VETO; which was called *interceding* (*intercedere*). This might also be done by all who had an equal or greater authority than the magistrate presiding, *Cic. Legg.* iii. 3. *Gell.* xiv. 7. If any person interceded, the sentence of the senate was called SENATUS AUCTORITAS, their judgment or opinion, *Liv.* iv. 57. *Cic. Fam.* i. 2. viii. 8. and not *senatus consultum* or *decretum*, their command. So likewise it was named, if the senate was held at an improper time or place (*alieno tempore aut loco*); or if all the formalities (*solemnia*) were not observed, *Dio.* lv. 3.; in which case the matter was referred to the people, or was afterwards confirmed by a formal decree of the senate, *Cic. Ep. Fam.* x. 12. But when no mention is made of intercession or informality, *Auctoritas senatus* is the same with *Consultum*, *Cic. Legg.* ii. 15. They are sometimes also joined; thus, *Senatus consulti auctoritas*, which was the usual inscription of the decrees of the senate, and marked with these initial letters, S. C. A. *Cic.*

The senators delivered their opinion (*sententiam dicebant*) standing: Whence one was said to be raised (*excitari*), when he was ordered to give his opinion, *Liv.* ix. 8. *Cic. ad Attic.* i. 13. But when they only assented to the opinion of another, (*verbo assentiebantur*), they continued sitting, *Cic. Fam.* v. 2. *Plin. Pan.* 76. The principal senators might likewise give their opinion about any other thing, besides what was proposed, which they thought of advantage to the state, and require that the consul would lay it before the senate; which Tacitus calls, *Egredi relationem*. They were then said CENSERE *referendum de aliqua re*, *Sall. Cat.* 60. *Plin. Ep.* vi. 5. or *Relationem postulare*, *Tacit. Ann.* xiii. 49. For no private senator, not even the consul elect, was allowed to propose to the senate any question himself, *Cic. pro Dom.* 27. Sometimes the whole house called out for a particular motion, *Sall. Cat.* 48. And if the consul hesitated or refused, which he did by saying, SE CONSIDERARE VELLE, the other magistrates, who had the right of holding the senate, might do it, even against his will, particularly the tribunes of the people, *Cic. pro Leg. Manil.* 19. *pro Sext.* 30. *Epist. Fam.* x. 16. Hence Augustus was, by a decree of the senate, invested with the power of tribune for life, that he might lay any one thing he pleased before the senate every meeting, although he was not consul, *Dio.* liii. 32. And the succeeding Emperors obtained from the senate the right of laying before them one, two, or more things at the same meeting; which was called *jus primæ, secundæ, tertię, quartæ, et quintæ relationis*. In those times the senator who gave his opinion first, was called *Primæ sententiæ senator*, *Vopisc. et Capitol.*

It was not lawful for the consuls to interrupt those that spoke, although they introduced in their speech many things foreign to the subject; which they sometimes did, that they might waste the day in speaking, (*ut diem dicendo eximerent, consumerent v. tollerent*), *Cic. Verr.* ii. 39. For no new reference could be made after the tenth hour, i. e. four o'clock in the afternoon according to our manner of reckon-

ing, *Senec. de Tranquill. An. c. ult.* nor a decree passed after sunset, *A. Gell.* xiv. 7.

Hence Cicero, in blaming the decrees of Antony, calls them S<sup>CTA</sup> VESPERTINA, *Phil.* iii. 10. We read, however, of the senate's being assembled at midnight, upon the arrival of an express from one of the consuls, Sp. Furius, that he was besieged by the Æqui and Volsci, A. U. 290, *Dionys.* ix. 63. so iii. 26. and of a person haranguing till it was so late that lights were called for (*nocte illatis lucernis*), *Plin.* Ep. iv. 9.

Those who grossly abused this right of speaking without interruption, were sometimes forced to give over speaking (*perorare*) by the noise and clamour of the other senators, *Cic. ad Att.* iv. 2. Sometimes magistrates, when they made a disagreeable motion, were silenced in this manner. Thus, *Cæptum est referri de inducendo S<sup>CTO</sup>*, i. e. delendo vel expungendo; *ab omni senatu reclamatum est*, *Cic. pro Dom.* 4. *Ejus orationi vehementer ab omnibus reclamatum est*, *Id. Fam.* i. 2. So when a senator threw out abusive language against any one, as Catiline did against Cicero and others, the whole senate bawled out against him (*obstrepere omnes*), *Sall. Cat.* 31.

This used also to happen under the Emperors. Thus Pliny, speaking of himself, after the death of Domitian, says, *Finio. Incipit respondere Vejento; nemo patitur; obturbatur, obstrepitur; adeo quidem ut diceret; ROGO, PATRES C. NE ME COGATIS IMPLORARE AUXILIUM TRIBUNORUM. Et statim Murena tribunus, PERMITTO TIBI, VIR CLARISSIME, VEJENTO, DICERE. Tunc quoque reclamatur*, Ep. ix. 13. The title of CLARISSIMUS was at this time given to all the senators, but formerly only to the leading men.

Sometimes the speeches of senators were received with shouts of applause; thus, *Consurgenti ad censendum acclamatum est, quod solet residentibus*, *Plin.* Ep. iv. 9. And the most extravagant expressions of approbation were bestowed on the speakers: *Non ferè quisquam in senatu fuit, qui non me complecteretur, exoscularetur, certatimque laude cumlaret*, *Id.* ix. 13.

The consul, or presiding magistrate, seems to have exercised different powers in the senate at different times, *Cic. Orat.* iii. 1. When Cato one day, to prevent a decree from being passed, attempted to waste the day in speaking, Cæsar, then consul, ordered him to be led to prison, whereupon the house rose to follow him, which made Cæsar recall his order, *Gell.* iv. 10.

If any one in delivering his opinion had included several distinct articles, some of which might be approved and others rejected, it was usual to require that the opinion might be divided, and that each particular might be proposed apart; and therefore any senator might say, DIVIDE, *Cic. Fam.* i. 2. *Senec. Ep.* 21. *Ascon. in Cic. Mil.* 6.

In matters of very great importance, the senators sometimes delivered their opinions upon oath (*jurati*), *Liv.* xxvi. 33. xxx. 40. xlii. 21. *Tacit. Annal.* iv. 21.

Several different questions might be referred to the senate by different magistrates in the same meeting, *Cic. Phil.* vii. 1. *Liv.* xxx. 21.

When any magistrate made a motion, he was said VERBA FACERE; REFERRE VEL DEFERRE AD SENATUM, or CONSULERE SENATUM DE



ALIQUA RE, *Cic. in Pis.* 13; and the senators, if they approved of it, RELATIONEM ACCIPERE, *Liv.* ii. 39.

When different opinions were delivered, the senators expressed their assent, some to one and some to another, variously, by their looks, by nodding with their heads, by stretching out their hands, &c. *Tacit. Hist.* iv. 4.

The senators who spoke usually addressed themselves to the whole house, by the title of PATRES CONSCRIPTI, *Cic. et Liv. passim*; sometimes to the consul or person who presided, *Cic. Phil.* viii. 1. sometimes to both, *Liv.* vi. 15. They commonly concluded their speeches in a certain form: QUARE EGO ITA CENSEO; or PLACET IGITUR, &c. *Sallust. Cat.* li. 52. QUOD C. PANSA VERBA FECIT DE—DE EA RE ITA CENSEO; or QUÆ CUM ITA SINT; or QUAS OB RES, ITA CENSEO, *Cic. Phil.* iii. 15. v. 4. ix. 7. Sometimes they used to read their opinion (*de scripto dicere*), *Cic. Fam.* x. 13., and a decree of the senate was made according to it (*in sententiam alicujus, vel ita ut ille censebat*).

When a senator did not give an entire assent to the opinion of any one, but thought that something should be added, he said, SERVILIO ASSENTIOR, ET HOC AMPLIUS CENSEO; *Cic. Phil.* xiii. 21. which was called *addere sententiæ, vel in sententiam*, *Sall. Cat.* 51.

#### 6. THE MANNER OF MAKING A DECREE OF THE SENATE.

WHEN several different opinions had been offered, and each supported by a number of senators, the consul or magistrate presiding might first put to the vote which opinion he pleased, (*sententiam primam pronunciare, ut in eam discessio fieret*;) *Cic. Ep. Fam.* i. 2. x. 12. or suppress altogether (*negare se pronunciaturum*) what he disapproved, *Cæs. de Bell. Civili*, i. 1. And herein consisted the chief power of the consul in the senate. But even this was sometimes contested by the tribunes, (*antè se oportere discessionem facere, quàm consules*;) *Cic. Fam.* i. 2.

A decree of the senate was made by a separation (*per discessionem*) of the senators to different parts of the house. He who presided said, "Let those who are of such an opinion pass over to that side; those who think differently, to this." (QUI HOC CENSETIS, ILLUC TRANSITE. QUI ALIA OMNIA, IN HANC PARTEM.) Hence *Ire pedibus in sententiam alicujus*, to agree to any one's opinion; and *Discedere v. transire in alia omnia*, for *Contrarium sentire*, *Plin. Ep.* viii. 14. *Frequentes ierunt in alia omnia*, a great majority went into the contrary opinion, *Cic. Fam.* i. 2. *Frequens senatus in alia omnia iit*, *Id.* viii. 13. *discessit*, x. 12. The phrase QUI ALIA OMNIA, was used instead of QUI NON CENSETIS, sc. *hoc*, from a motive of superstition (*ominis causâ*), *Festus*.

Those senators who only voted, but did not speak, or, as some say, who had the right of voting but not of speaking, were called PEDARII, *Festus, Cic. ad Att.* i. 19, 20. because they signified their opinion by their feet, and not by their tongues: or, according to others, because not having borne a curule magistracy, they went to the senate on foot, *A. Gell.* iii. 18. But, according to Pliny, anciently all the senators went to the senate on foot; and the privilege of being

carried thither in a chariot was never granted to any one but Metellus, who had lost his sight in rescuing the *Palladium*, or image of Pallas, from the temple of Vesta when in flames, *Hist. Nat.* vii. 43. s. 45.

He who had first proposed the opinion, (*qui sententiam senatui præstitisset*, Cic. in Pis. 32.) or who had been the principal speaker in favour of it, the consul, or whoever it was, (PRINCEPS vel AUCTOR *Sententiæ*, Ovid. Pont. ii. 3. 31.) passed over first, and those who agreed with him followed, *Plin. Epist.* ii. 11. Those who differed went to a different part of the house; and into whatever part most of the senators went, the Consul said of it, "This seems to be the majority," (*HÆC PARS MAJOR VIDETUR.*) Then a decree of the senate was made according to their opinion, *Plin. Ep.* ii. 12. and the names of those who had been most keen for the decree, were usually prefixed to it, which were called AUCTORITATES *perscriptæ* vel *præscriptæ*, Cic. Orat. iii. 2. because they stayed to see the decree made out, (*scribendo adfuerunt*, i. e. *Senatûs consulti conficiendi testes erant.*) *Senatûs consultum eâ perscriptione est*, of that form, to that effect, Cic. Fam. v. 2.

Anciently the letter T was subscribed, if the Tribunes did not give their negative; for at first the tribunes were not admitted into the senate, but sat before the senate-house on benches, till the decrees of the senate were brought to them for their approbation or rejection, *Val. Max.* ii. 7. This, however, was the case only for a very short time; for A. U. 310, we find Canuleius, one of their number, speaking in the senate, *Liv.* iv. 1. and Dionysius says they were admitted soon after their institution, vii. 49.

When a decree of the senate was made, without any opinions being asked or given, the fathers were said *Pedibus ferre sententiam*; and the decree was called SENATUS CONSULTUM PER DISCESSIONEM, *A. Gell.* xiv. 7. *Cic. Phil.* iii. 9. *Suet. Tib.* 31. But when the opinions of the senators were asked, it was simply called SENATUS CONSULTUM, Cic. in Pis. 8. Although it was then also made *per discessionem*; and if the senate was unanimous, the *discessio* was said to be made *sine ullâ varietate*, Cic. pro Sext. 34. If the contrary, *in magnâ varietate sententiarum*, Id.

In decreeing a supplication to any general, the opinions of the senators were always asked; hence Cicero blames Antony for omitting this, in the case of Lepidus, *Phil.* iii. 9. Before the vote was put, (*ante discessionem factam*,) and while the debate was going on, the members used to take their seats near that member whose opinion they approved, and the opinion of him who was joined by the greatest number, was called SENTENTIA MAXIME FREQUENS, *Plin. Ep.* ii. 11. viii. 14.

Sometimes the consul brought from home in writing the decree which he wished to be passed, and the senate readily agreed to it, *Cic. Phil.* i. 1.

When secrecy was necessary, the clerks and other attendants were not admitted; but what passed was written out by some of the senators, Cic. pro Sull. 14. A decree made in this manner was called TACITUM, *Capitolin. Gordian.* 12. Some think the *Senatores Pedarii* were then likewise excluded, from *Valer. Max.* ii. 2.



Julius Cæsar, when consul, appointed that what was done in the senate (DIURNA ACTA) should be published, *Suet. Jul.* 20. which also seems to have been done formerly, *Cic. pro Sull.* 14. But this was prohibited by Augustus, *Suet. Aug.* 36. An account of their proceedings, however, was always made out; and under the succeeding Emperors we find some senator chosen for this purpose, (*Actis vel commentariis Senatûs conficiendis*,) *Tacit. Ann.* v. 4.

Public registers (ACTA, i. e. *tabulæ vel commentarii*) were also kept of what was done in the assemblies of the people, and courts of justice; also of births and funerals\*, of marriages and divorces, &c. which served as a fund of information for historians; hence DIURNA URBIS ACTA, *Tacit. Annal.* xiii. 31. ACTA POPULI, *Suet. Jul.* 20. ACTA PUBLICA, *Tacit. Ann.* xii. 24. *Suet. Tib.* v. *Plin. Ep.* vii. 33. URBANA, *Id.* ix. 15. usually called by the simple name ACTA, *Cic. Fam.* [viii. 7.] xii. 8. *Plin.* vii. 54. [*Juv. Sat.* ii. 136.]

SENATUS CONSULTUM and DECRETUM are used promiscuously to denote what the senate decreed; *Cic. Liv. et Sallust. passim.* So *Consulta et Decreta patrum*, *Horat.* But they were also distinguished as a *genus* and *species*, *decretum* being sometimes put for a part of the *SCTum*, as when a province, an honour, or a supplication was decreed to any one, *Festus.* *Decretum* is likewise applied to others besides the senate; as *Decreta Consulum, Augurum, Pontificum, Decurionum, Cæsaris, Principis, Judicis*, &c.: so likewise *consulta*, but more rarely; as, *Consulta Sapientum*, the maxims or opinions, *Cic. de Legg.* i. 24. *Consulta belli*, determinations, *Sil.* iv. 35. *Gracchi*, *Id.* vii. 34.†

In writing a decree of the senate, the time and place were put first, then the names of those who were present at the engrossing of it; after that the motion, with the name of the magistrate who proposed it; to all which was subjoined what the senate decreed. Thus, SENATUS CONSULTI AUCTORITAS, PRIDIE KAL. OCTOB. IN ÆDE APOLLINIS, SCRIBENDO ADFUERUNT, L. DOMITIUS, &c. QUOD M. MARCELLUS COS. VERBA FECIT DE PROVINCIIS CONSULARIBUS, DE EA RE ITA CENSUIT, V. CENSUERUNT, UTI, &c. *Cic. Ep. Fam.* viii. 8.

Hence we read, DE EA RE SENATUS CONSULTUS ITA CENSUIT, DECREVIT; also PLACERE SENATUI; SENATUM VELLE ET ÆQUUM CENSERE; SENATUM EXISTIMARE, ARBITRARI, ET JUDICARE; VIDERI SENATUI, *Cic. Liv. Sall. &c. passim.*

If the tribunes interposed, it was thus marked at the end: HUIC SENATUS CONSULTO INTERCESSIT C. COELIUS, C. PANSA, TRIB. PLEB. *Cic. Ibid.* Sometimes the tribunes did not actually interpose, but required some time to consider of it, and thus the matter was delayed, *Cic. pro Sext.* 34.

When the senate ordered any thing to be done, these words were commonly added, PRIMO QUOQUE TEMPORE, as soon as possible.

\* Births were registered in the books of the Censors, and in the records of the temple of Juno Lucina. Burials, in the temple of Venus Libitina: *Hor. Sat.* ii. 6.

† "To entitle any resolution to the name of *Senatûs consultum*, it was necessary, that it met with no opposition, that the senate had been summoned according to law, and that a sufficient number, not fewer than 200, attended. If any of these requisites were wanting, it was called *Senatûs auctoritas*." — Dumesnil. See *Crombie's Gymn.* i. p. 285.

When they praised the actions of any persons, they decreed, *Eos RECTE, ATQUE ORDINE VIDERI FECISSE*, *Liv. passim*. If the contrary, *Eos CONTRA REMPUBLICAM FECISSE VIDERI*, *Id.*

Orders were given to the consuls, (*Negotium datum est Consulibus*), not in an absolute manner, but with some exception; *SI VIDERETUR, SI E REPUBLICA ESSE DUCERENT*, *Liv.* *QUOD COMMODO REIPUBLICÆ FIERI POSSET*, *Cæs.* *UT CONSULES ALTER, AMBOVE, SI EIS VIDEATUR, AD BELLUM PROFICISERENTUR*, *Cic.* When the consuls obeyed the orders of the senate, they were said *ESSE vel FORE IN PATRUM POTESTATE*; and the senators, when they complied with the desires of the people, *ESSE IN POPULI POTESTATE*, *Liv. ii. 56. &c.*

When the senate asked any thing from the tribunes, the form was, *SENATUS CENSUIT, UT CUM TRIBUNIS AGERETUR*, *Liv. xxvi. 33. xxx. 41.*

The decrees of the senate, when written out, were laid up in the treasury, (*in Ærarium condebantur*), where also the laws and other writings pertaining to the republic were kept, *Liv. iii. 9.* Anciently they were kept by the Ædiles in the temple of Ceres, *iii. 55.* The place where the public records were kept was called *TABULARIUM*. The decrees of the senate concerning the honours conferred on Cæsar were inscribed in golden letters on columns of silver, *Dio. xlv. 7.* Several decrees of the senate still exist, engraven on tables of brass; particularly that recorded, *Liv. xxxix. 19.*

The decrees of the senate, when not carried to the treasury, were reckoned invalid, *Suet. Aug. 94.* Hence it was ordained, under Tiberius, that the decrees of the senate, especially concerning the capital punishment of any one, should not be carried to the treasury before the tenth day, *Tacit. Ann. iii. 51.* that the Emperor, if absent from the city, might have an opportunity of considering them, and, if he thought proper, of mitigating them, *Dio. lvii. 20. Suet. Tib. 75.*

Before the year of the city 306, the decrees of the senate were suppressed or altered at the pleasure of the consuls, *Liv. iii. 55.* Cicero accuses Antony of forging decrees, *Phil. v. 4.*

Decrees of the senate were rarely reversed. While a question was under debate (*re integrâ*), every one was at freedom to express his dissent (*contradicere vel dissentire*); but when it was once determined (*re peractâ*), it was looked upon as the common concern of each member to support the opinion of the majority, (*quod pluribus placuisset, cunctis tuendum*), *Plin. Ep. vi. 13.*

After every thing was finished, the magistrates presiding dismissed the senate by a set form: *NON AMPLIUS VOS MORAMUR, P. C. or NEMO VOS TENET; NIHIL VOS MORAMUR; CONSUL, CITATIS NOMINIBUS, ET PERACTA DISCESSIONE, MITTIT SENATUM*, *Plin. Ep. ix. 13.*

## 7. THE POWER OF THE SENATE AT DIFFERENT PERIODS.

THE power of the senate was different at different times. Under the regal government, the senate deliberated upon such public affairs as the King proposed to them; and the Kings were said to act according to their counsel, (*ex consilio Patrum*, *Liv. i. 9.*) as the consuls did afterwards according to their decree, (*ex Scto*), *Liv. ii. 2. &c.*

Tarquin the Proud dropped the custom handed down from his predecessors, of consulting the senate about every thing; banished or put to death the chief men of that order, and chose no others in their room, *Liv.* i. 49. But this King was expelled from the throne for his tyranny, and the regal government abolished, A. U. 243.

After this the power of the senate was raised to the highest. Every thing was done by its authority. The magistrates were in a manner only its ministers, (*quasi ministri gravissimi concilii*, Cic. pro Sextio, 65.) No law could be passed, nor assembly of the people held, without their consent; *nisi Patribus auctoribus*, h. e. jubentibus v. permittentibus, *Liv.* vi. 42. But when the patricians began to abuse their power, and to exercise cruelties on the plebeians, especially after the death of Tarquin, A. U. 257, the multitude took arms in their own defence, made a secession from the city, seized on *Mons Sacer*, and created tribunes for themselves, who attacked the authority of the senate, and in process of time greatly diminished it by various means; first, by the introduction of the *Comitia Tributa*, and the exclusion of the patricians from them, *Liv.* ii. 60. Then, by a law, made by Lætorius the Tribune, that the plebeian magistrates should be created at the *Comitia Tributa*, *Liv.* ii. 56, 57. Dionys. ix. 49. Afterwards, by a law passed at the *Comitia Centuriata*, by the consuls Horatius and Valerius, that the laws passed at the *Comitia Tributa* (*Plebiscita*) should also bind the Patricians, *Liv.* iii. 55. And lastly, by the law of Publilius the Dictator, A. U. 414, *Liv.* viii. 12. and of Mœnius the Tribune, A. U. 467, Cic. Brut. 14. that before the people gave their votes, the fathers should authorize whatever the people should determine at the *Comitia Centuriata*; (*ut fierent auctores ejus rei quam populus jussurus esset*, v. *in incertum eventum comitiorum*, *Liv.*) Whereas formerly, whatever the people ordered was not ratified unless the senators confirmed it, (*nisi patres auctores fierent*, *Liv.* i. 17. 22. iv. 3. 49. Cic. Planc. 3.) But the power of the senate was most of all abridged by the right of the tribunes to render the decrees of the senate of no effect by their negative (*intercedendo*). Still, however, the authority of the senate continued to be very great; for as power and majesty properly belonged to the people, so did authority, splendour, and dignity to the senate. (*Potestas in populo, auctoritas in senatu*, Cic. Legg. iii. 12. *Locus, auctoritas, domi splendor; apud exterarum nationes nomen et gratia*, pro Cluent. 56.)

The Senatorian order is called by Cicero, *Ordo amplissimus et sanctissimus; summum Populi Romani, populorumque et gentium omnium ac Regum consilium*: pro Dom. 28. And the Senate-house, *Templum sanctitatis, amplitudinis, mentis consilii publici, caput urbis, ara sociorum, portus omnium gentium*, &c. pro Milone, 33. Hence Senators in foreign countries were treated with the highest respect, Cic. in Verr. iv. 11. And as senators were not allowed to leave Italy without permission (*sine commeatu*), Cic. Attic. viii. 15. Suet. Claud. 16. 23. Ner. 25. unless to Sicily and Gallia Narbonensis, Dio. liii. 42. when they had occasion to travel abroad, they usually obtained the privilege of a free legation, as it was usually called, (*sine mandatis, sine ullo reipublicæ munere; ut hæreditates aut syngraphas suas persequerentur*), Cic. de Legg. iii. 8. Ep. Fam. xi. 1. Att. xv. 12. Suet. Tib. 31. which gave them a right to be treated every where with the honours

of an ambassador. In the provinces they had lictors to attend them, *Cic. Ep. Fam.* xii. 21. And if they had any lawsuit there, they might require that it should be remitted to Rome, *Ib.* xiii. 26. The advantages of honour and respect were the only compensation which senators received for their attention to public affairs, *Cic. Cluent.* 55.

Although the supreme power at Rome belonged to the people, yet they seldom enacted any thing without the authority of the senate. In all weighty affairs, the method usually observed was, that the senate should first deliberate and decree, and then the people order. SENATUS CENSUIT V. DECREVIT, POPULUS JUSSIT, *Liv.* i. 17. iv. 49. x. 12. 45. xxxvii. 55. &c. But there were many things of great importance, which the senate always determined itself, unless when they were brought before the people by the intercessions of the tribunes. This right the senate seems to have had, not from any express law, but by the custom of their ancestors, *Cic. de Orat.* i. 52.

1. The senate assumed to themselves the guardianship of the public religion; so that no new god could be introduced, nor altar erected, nor the sibylline books consulted, without their order, *Liv.* ix. 45. *Cic. de Div.* 48. 54.

2. The senate had the direction of the treasury, and distributed the public money at pleasure, *Cic. in Vatin.* 15. *Liv.* xxxvii. 54. They appointed stipends to their generals and officers, and provisions and clothing to their armies, *Polyb.* vi. 11.

3. They settled the provinces, which were annually assigned to the consuls and prætors, and when it seemed fit they prolonged their command, *Cic. pro Dom.* 9.

4. They nominated out of their own body all ambassadors sent from Rome, *Liv.* ii. 15. xxx. 26. xlii. 19. *et alibi passim*; and gave to foreign ambassadors what answers they thought proper, *Cic. in Vatin.* 15. *Dom.* 9. *Liv.* vi. 26. vii. 20. xxx. 17.

5. They decreed all public thanksgivings for victories obtained; and conferred the honour of an ovation or triumph, with the title of IMPERATOR, on their victorious generals, *Cic. Phil.* xiv. 4, 5. *Liv.* v. 23. *Polyb.* vi. 11.

6. They could decree the title of King to any prince whom they pleased, and declare any one an enemy by a vote, *Cæs. Liv. et Cic. passim*.

7. They inquired into public crimes or treasons, either in Rome or the other parts of Italy, *Liv.* xxx. 26. and heard and determined all disputes among the allied and dependent cities, *Cic. Off.* i. 10. *Polyb.* vi. 11.

8. They exercised a power, not only of interpreting the laws, but of absolving men from the obligation of them, and even of abrogating them, *Cic. pro Dom.* 16. 27. *pro Lege Manil.* 21. *de Legg.* ii. 6. *Ascon. in Cic. pro Cornel.* *Plin. Epist.* iv. 9.

9. They could postpone the assemblies of the people, *Cic. pro Mur.* 25. *Att.* iv. 16. and prescribe a change of habit to the city in cases of any imminent danger or calamity, *Cic. pro Sext.* 12. But the power of the senate was chiefly conspicuous in civil dissensions or dangerous tumults within the city, in which that solemn decree used to be passed, "That the consuls should take care that the republic  
" should receive no harm;" *Ut consules darent operam, ne quid detri-*

*menti respublica caperet.* By which decree an absolute power was granted to the consuls, to punish and put to death whom they pleased, without a trial; to raise forces, and carry on war without the order of the people, *Sallust. de Bello Cat.* 29.

This decree was called **ULTIMUM** or **EXTREMUM**, *Cæs. de Bell. Civ.* i. 4. and *Forma SCti ultimæ necessitatis*, *Liv.* iii. 4. By it the republic was said to be intrusted to the consuls, *permitti v. commendari consulibus*; or *permitti consulibus ut rempublicam defenderent*, *Cic.* [Phil. ii. 21.] Sometimes the other magistrates were added, *Cæs. ibid. Liv.* vi. 19. Sometimes only one of the consuls is named, as in the commotion raised by C. Gracchus, *Ut L. Opimius Consul videret*, &c. because his colleague Q. Fabius Maximus was absent, *Cic. in Cat.* i. 2. So *Liv.* iii. 4.

Although the decrees of the senate had not properly the force of laws, and took place chiefly in those matters which were not provided for by the laws; yet they were understood always to have a binding force, and were therefore obeyed by all orders. The consuls themselves were obliged to submit to them. *Liv.* iv. 26. xlii. 21. They could be annulled or cancelled (*induci*, i. e. *deleri, poterant*), only by the senate itself, *Cic. pro Dom.* 4. *Attic.* i. 17. Their force, however, in certain things was but temporary; and the magistrates sometimes alleged, that they were binding but for one year, *Dionys.* ix. 37. In the last age of the republic, the authority of the senate was little regarded by the leading men and their creatures, *Cic. pro Sext.* 12. who, by means of bribery, obtained from a corrupted populace what they desired, in spite of the senate, *Appian. de Bell. Civ.* ii. 433. &c. Thus Cæsar, by the Vatinian law, obtained the province of Cisalpine Gaul and Illyricum, for five years, from the people; and soon after *Gallia Comata* or *Uterior*, from the senate; the fathers being afraid that, if they refused it, the people would grant him that too, *Suet. Jul.* 22. *Plutarch. in Vita Cæs.* But this corruption and contempt of the senate at last terminated in the total subversion of public liberty.

Cicero imagined that, in his consulship, he had established the authority of the senate on a solid basis, by uniting it with the equestrian order, *Cic. Cat.* iv. 10. *Pis.* 3.; thus constituting what he calls **OPTIMA RESPUBLICA**; *quæ sit in potestatem optimorum*, i. e. *nobilium et ditissimorum*, *de Legg.* iii. 17. (*ἀριστοκρατία*) and ascribes the ruin of the republic to that coalition not being preserved, *Att.* i. 14. 16. But it was soon after broken (*ordinum concordia disjuncta est*, *Cic. Att.* i. 13.) by the senate refusing to release the *equites* from a disadvantageous contract concerning the Asiatic revenues, *Cic. Att.* i. 17. which gave Cæsar, when consul, an opportunity of obliging that order, by granting their request, as he had formerly obliged the populace by an agrarian law, *Suet. Cæs.* 20. *Cic. Att.* i. 15. and thus of artfully employing the wealth of the republic to enslave it, *Dio.* xxxviii. 1. 7. See **LEGES JULIÆ**. The senate and *equites* had been formerly united, *Sallust. Jug.* 42. and were afterwards disjoined from similar motives. See **LEGES SEMPRONIÆ**, *de judiciis*.

Augustus, when he became master of the empire, retained the forms of the ancient republic, and the same names of the magistrates; but left nothing of the ancient virtue and liberty (*prisci et integri moris*)



Tacit. Ann. i. 3. While he pretended always to act by the authority of the senate, he artfully drew every thing to himself.

Tiberius apparently increased the power of the senate, by transferring the right of creating magistrates and enacting laws from the *comitia* to the senate, Tacit. Ann. i. 15. In consequence of which, the decrees of the senate obtained the force of laws, and were more frequently published. But this was only a shadow of power. For the senators in giving their opinions depended entirely on the will of the Prince; and it was necessary that their decrees should be confirmed by him. An oration of the Emperor was usually prefixed to them, which was not always delivered by himself, but was usually read by one of the quæstors, who were called CANDIDATI, Suet. Tit. 6. Aug. 65. Hence what was appointed by the decrees of the senate was said to be *oratione principis cautum*; and these orations are sometimes put for the decrees of the senate. To such a height did the flattery of the senators proceed, that they used to receive these speeches with loud acclamations, Plin. Paneg. 75. and never failed to assent to them; which they commonly did by crying out, OMNES, OMNES, Vopisc. in Tacit. 7.

The messages of the Emperors to the senate were called EPISTOLÆ or LIBELLI; because they were folded in the form of a letter or little book. J. Cæsar is said to have first introduced these *libelli*, Plutarch. in Vita Cæs. Suet. Jul. 56. which afterwards came to be used almost on every occasion. Suet. Jul. 81. Aug. 53. 84. Tacit. Annal. iv. 39.

But the custom of referring every thing to the senate (Suet. Tib. 30.) was only observed till the Romans became habituated to slavery.

After this the Emperors gradually began to order what they thought proper, without consulting the senate; to abrogate old laws and introduce new ones; and, in short, to determine every thing according to their own pleasure; by their answers to the applications or petitions presented to them (*per RESCRIPTA ad libellos*); by their mandates and laws (*per EDICTA et CONSTITUTIONES*), &c. Vespasian appears to have been the first who made use of these rescripts and edicts. They became more frequent under Hadrian: from which time the decrees of the senate concerning private right became to be more rare; and at length under Caracalla were entirely discontinued.

The constitutions of the Emperors about punishing or rewarding individuals, which were not to serve as precedents, were called PRIVILEGIA (*quasi privæ legis*), A. Gell. x. 20. This word anciently used to be taken in a bad sense; for a private law about inflicting an extraordinary punishment on a certain person without a trial, Cic. de Legg. iii. 19. as the law of Clodius against Cicero, Cic. pro Dom. 17. which Cicero says was forbidden by the sacred laws and those of the twelve tables, *Leges privatis hominibus irrogari: id est enim privilegium*, Ibid. et pro Sext. 30.

The rights or advantages (*beneficia*) granted to a certain condition or class of men, used also to be called PRIVILEGIA; Plin. x. 56, 57. 110. as *the privileges of soldiers, parents, pupils, creditors*, &c.

The various laws and decrees of the senate, whereby supreme power was conferred on Augustus, and which used to be repeated to the

succeeding Emperors upon their accession to the empire, (*Tum senatus cuncta*, PRINCIPIBUS SOLITA, *Vespasiano decrevit*, Tacit. Hist. iv. 3.) when taken together, are called the *Royal Law*, (LEX REGIA, vel LEX IMPERII, et AUGUSTUM PRIVILEGIUM,) probably in allusion to the law by which supreme power was granted to Romulus, *Liv.* xxxiv. 6.

## THE EQUITES.

THE *Equites* at first did not form a distinct order in the state. When Romulus divided the people into three tribes, he chose from each tribe 100 young men, the most distinguished for their rank, their wealth, and other accomplishments, who should serve on horseback, and whose assistance he might use for guarding his person. These 300 horsemen were called CELERES, (*ταχεῖς ἐπὶ τὰ ἔργα*, *ad opera veloces*, Dionys. ii. 13, *vel α κέλῃς*, *eques desultorius*; vel a CELERE, *eorum præfecto*, Festus;) and divided into three centuries, which were distinguished by the same names with the three tribes; namely, RAMNENSES, TATIENSES, and LUCERES.

The number of the *Equites* was afterwards increased, first by Tullus Hostilius, who chose 300 from the Albans, (*decem termas*; TURMA, *quasi terma dicta est, quod ter denis equitibus constaret*, Varro et Festus,) *Liv.* i. 30. then by Tarquinius Priscus, who doubled their number (*numero alterum tantum adjecit*); retaining the number and names of the centuries; only those who were added were called *Ramnenses*, *Tatienses*, *Luceres*, *posteriores*.\* But as Livy says there were now 1800 in the three centuries, Tarquin seems to have done more than double them, *Liv.* i. 30.†

Servius Tullius made eighteen centuries of *Equites*; he chose twelve new centuries from the chief men of the state, and made six others out of the three instituted by Romulus. Ten thousand pounds of brass were given to each of them to purchase horses‡; and a tax was laid on widows, who were exempt from other contributions, for maintaining their horses, *Liv.* i. 43.§ Hence the origin of the

\* “The meaning is, that after the Æquian war, he united an equal number of Latin cavalry in the field, as was the case with the infantry.” — *Nieb.* i. p. 308.

† “Romulus probably added two hundred to each century of *Equites*, as he added one hundred to the number of the Senators, upon the admission of the Sabines into the city. *Dionys.* ii. 47.” — *Dr. Adam.* Niebuhr (l. c.) shows from a passage of Cicero, *de Rep.* ii. 20. (*Prioribus equitum partibus secundis additis, M ac CC fecit equites, numerumque duplicavit postquam bello Æquos subegit*), that in Livy 1200 should be written, not 1800: MdCCC in the Florentine MS. comes from MaCC (M ac CC), as it stands in Cicero.

‡ “Ten thousand ases for the purchase of a horse, by the side of the sums at which oxen and sheep were rated in the table of penalties (100 or 50 and 10 respectively), seem to be so unreasonable, that the correctness of the number has been called in question. But, in the first place, it was not to be a common nag; and compared with such a one, at Rome, as elsewhere, a war-horse was naturally very dear; and besides, the equipment was incomplete without at least a groom, a slave, who was to be bought, and then trained to ride.” — *Nieb.* i. p. 380.

§ “The former is called by Gaius, *æs equestre*; the latter, *æs hordearium*. The word *vidua* is to be understood after its original meaning, which is recognised by the Roman jurists, of every single woman generally, maiden as well as widow; and, therefore, of an heiress (*ἐπικληρος*): and then Livy has also forgotten the orphans. Cicero, in citing the example of the Corinthians, among whom the

Equestrian order, which was of the greatest utility in the state, as an intermediate bond between the patricians and plebeians.

At what particular time the *Equites* first began to be reckoned a distinct order, is uncertain. It seems to have been before the expulsion of the Kings, *Liv.* i. 35. ii. 1. After this, all those who served on horseback were not properly called *EQUITES* or knights, but such only as were chosen into the equestrian order, usually by the censor, and presented by him with a horse at the public expense, and with a gold ring.

The *Equites* were chosen promiscuously from the patricians and plebeians. Those descended from ancient families were called *ILLUSTRES*, *SPECIOSI*, and *SPLENDIDI*. They were not limited to any fixed number. The age requisite was about eighteen years, *Dio.* lii. 20. and the fortune (*census*), at least towards the end of the republic, and under the Emperors, was 400 *Sestertia*, that is, about 3,229*l.* of our money, *Horat. Ep.* i. 1. 57. *Plin. Ep.* i. 19. According to some, every Roman citizen whose entire fortune amounted to that sum, was every *lustrum* enrolled, of course, in the list of *Equites*. But that was not always the case, *Liv.* v. 7. A certain fortune seems to have been always requisite, iii. 27.

The badges of *Equites* were, 1. A horse given them by the public; hence called *LEGITIMUS*, *Ovid. Fast.* iii. 130. 2. A golden ring, whence *ANNULO AUREO DONARI*, for *inter equites legi*; 3. *Angustus Clavus*, or *Tunica angusticlavia*; 4. A separate place at the public spectacles, according to the law made by L. Roscius Otho, a tribune of the people, A. U. 686. *Dio.* xxxvi. 25. *Juvenal.* iii. 159. xiv. 324. that the *Equites* should sit in 14 rows (*in XIV gradibus*), next to the *Orchestra*, where the senators sat; whence *SEDERE IN QUATUORDECIM*, or *IN EQUESTRIBUS*; or *SPECTARE IN EQUITE*, for *Equitem esse*, *Suet.*

The office (*MUNUS*) of the *Equites* at first was only to serve in the army; but afterwards also to act as judges or jurymen (*ut judicarent*), and to farm the public revenues (*VECTIGALIA CONDUCERE*). Judges were chosen from the senate till the year of the city 631, at which time, on account of the corruption of that order, the right of judging was transferred from them to the *Equites*, by the Sempronian law, made by C. Gracchus.\* It was again restored to the senate by Sulla; but afterwards shared between the two orders.†

The *Equites* who farmed the revenues were divided into certain societies, and he who presided in such a society was called *MAGISTER*

horse-money for the knights was paid by rich widows and orphans (*de Rep.* ii. 20.), as the prototype of the Roman institution, obviously attributes the same extent to the latter: and now we have a perfect explanation why the orphans and single women (*orbi orbæque*) are mentioned separately in the population returns. The common phrase in Livy is, *censa sunt civium capita, — præter orbos orbæque.* — *Nieb.* i. p. 408.

\* Hence Cicero (*de Clar. Orat.* 24.) calls the judges in the trial of *Opimius Gracchani Judices*. About twenty-five years after, Q. Servilius Cæpio procured the addition of a certain number of senators to the three centuries of equestrian judges. See the *Lex Plantia* or *Plotia*.

† Cotta, during his prætorship, divided it equally amongst the two orders, in the same year as Pompey effected the restoration of the tribunitian power.



SOCIETATIS, *Cic. Fam. xiii. 9.* These farmers-general (PUBLICANI) were held in such respect at Rome, that Cicero calls them *Homines amplissimi, honestissimi, et ornatissimi*; pro Lege Manil. 7. *Flos equitum Romanorum, ornamentum civitatis, firmamentum rei-publicæ*, pro Plancio, 9. But this was far from being the case in the provinces, where publicans were held in detestation, *Ascon. in Cic. Verr. ii. 3.* especially their servants and assistants.

A great degree of splendour was added to the Equestrian order by a procession (TRANSVECTIONE) which they made through the city every year on the fifteenth day of July, (*Idibus Quinctilibus*, Liv. ix. 46.) from the temple of Honour, or of Mars, without the city, to the Capitol, riding on horseback, with wreaths of olive on their heads, drest in their *Togæ palmatæ*, or *trabeæ*, of a scarlet colour, and bearing in their hands the military ornaments which they had received from their general, as a reward for their valour, *Dionys. vi. 13.* Plin. xv. 4, 5. At this time it was not allowable to cite them before a court of justice: such was at least the case under Augustus, *Suet. Aug. 38.*

Every fifth year, when this procession was made, the *Equites* rode up to the Censor seated in his curule chair, before the Capitol, and dismounting led along (TRAducebant) their horses in their hands before him, *Cic. Cluent. 48. Quinctil. 5. 11. 13.* and in this manner they were reviewed (RECOGNOSCEBANTUR).

If any *Eques* was corrupt in his morals, or had diminished his fortune, or even had not taken proper care of his horse, *Gell. iv. 20.* the Censor ordered him to sell his horse, *Liv. xxix. 37.* and thus he was reckoned to be removed from the Equestrian order; hence ADIMERE EQUUM, to degrade an *Eques*\*: but those whom the Censor approved, were ordered to lead along (*traducere*) their horses, *Ovid. Trist. ii. 89.*

At this time also the Censor read over a list of the *Equites*, and such as were less culpable (*qui minore culpâ tenerentur*) were degraded (ORDINE EQUESTRI MOTI SUNT) only by passing over their names in the recital, *Suet. Cal. 16.* We find it mentioned as a reward, that a person should not be obliged to serve in the army, nor to maintain a public horse, (*ne invitus militaret, neve Censor ei equum publicum assignaret*;) but this exemption could be granted only by the people, *Liv. xxxix. 19.†*

The *Eques* whose name was first marked in the Censor's books, was called EQUESTRIS ORDINIS PRINCEPS, *Plin. Ep. i. 14.* or PRINCEPS JUVENTUTIS; not that in reality the *Equites* were all young men, for many grew old in that order, as Mæcenas and

\* "The meaning was, that the person thus degraded should refund to the state the outfit money which had been advanced to him, and should procure the means of doing so by that sale." — *Nieb. i. p. 381.*

† "It may be conjectured, that the obligation of those who were registered as horsemen, to serve as such at their own cost, when a knight's horse could not be assigned to them, was determined by a certain fixed amount of their property; and that, if it fell short of this, they would be bound to enter into the infantry. This penal command of the censors continued in use until the latest times of the republic; when the knights had long received pay, and been supplied with fodder in room of that allowance: a change which had already been introduced in the time of Polybius." — *Nieb. i. p. 379.*

Atticus ; and we find the two Censors, *Livius* and *Nero*, were *Equites*, *Liv.* xxix. 37. but because they had been generally so at their first institution ; and among the Romans men were called *Juvenes* till near fifty. Hence we find Julius Cæsar called *Adolescentulus*, when he stood candidate for being high-priest, although he was then thirty-six years old, *Sall. Cat.* 49. And Cicero calls himself *Adolescens* when he was Consul, *Phil.* ii. 5. Under the Emperors, the heirs of the empire were called *Principes Juventutis*, *Suet. Calig.* 15. vel *juvenum*, *Ovid. Pont.* ii. 5. 41. We find this name also applied to the whole Equestrian order, *Liv.* xlii. 61.

## THE PLEBEIAN OR POPULAR ORDER.

ALL the other Roman citizens, besides the Patricians and *Equites*, were called PLEBS or POPULUS.\* *Populus* sometimes comprehends the whole nation ; as, CLEMENTIA ROMANI POPULI : or all the people except the senate ; as, SENATUS POPULUSQUE ROMANUS. In which last sense *plebs* is also often used ; as when we say, that the Consuls were created from the *plebeians*, that is, from those who were not *Patricians*.† But *plebs* is usually put for the lowest common people ; hence, *ad populum plebemque referre*, *Cic. Fam.* viii. 8. So *Gell.* x. 10. Thus Horace : *Plebs eris*, i. e. *unus e plebe*, a plebeian, not an *Eques*, *Ep.* i. 1. 59. who also uses *plebs* for the whole people, *Od.* iii. 14. 1.‡

The common people who lived in the country, and cultivated the ground, were called PLEBS RUSTICA, *Liv.* xxxv. 1. Anciently the senators also did the same, *Cic. de Sen.* 16. but not so in aftertimes, *Liv.* iii. 26. The common people who lived in the city, merchants, mechanics, &c. *Cic. Off.* i. 42. were called PLEBS URBANA, *Sall. Cat.* 37. Both are joined, *Ib. Jug.* 73. §

\* “ How the Roman commonalty, the *plebs*, originated, is visible in the traditions which represent all the conquests before the time of Servius Tullius to have been of such a kind, that many places were converted into colonies, others destroyed, and their inhabitants carried to Rome ; where they, as well as the citizens of the former, received the Roman franchise.” — *Nieb.* i. p. 354.

† “ When *Patricius* is opposed to *plebeius*, or *plebs*, it is not a distinction of rank which is implied, but of birth or descent. Many of the knights were plebeians ; and those Patricians who, by reason of their poverty, or the will of the Censor, were not admitted into the equestrian order, were still not considered as belonging to the plebeians. A plebeian chosen into the senate, and invested with the highest offices, was still termed *plebeius*. Neither Cato nor Cicero, for example, was entitled to the appellation of *Patricius*. A person might however be *nobilis*, though not *Patricius*. So also there were many Patricians, who were not noble ; because none of their ancestors had been elevated to a curule office ; for the rank of knight did not ennoble.” *Crombie's G.* ii. p. 305.

The title of *patrician* belonged only, in a proper sense, to those families of which the senate was composed in the earliest times, before the commons had obtained a promiscuous admission to the public honours ; and all other families, however considerable, were constantly styled *plebeian*.

‡ The following definition of *plebs* is given in the Institutes : — “ *Plebs autem a populo eo differt, quo species a genere : nam appellatione populi universi cives significantur, connumeratis etiam patriciis et senatoribus. Plebis autem appellatione, sine patriciis et senatoribus, cæteri cives significantur.*” — (L. i. t. 2. § 4.)

§ “ The Roman *plebs* in early ages consisted exclusively of landholders and field-labourers.” — *Nieb.* i. p. 520.

The PLEBS RUSTICA was the most respectable. (*Optima et modestissima*, Cic. Rull. ii. 31. *laudatissima*, Plin. xviii. 3.) The PLEBS URBANA was composed of the poorer citizens, many of whom followed no trade, but were supported by the public and private largesses. (*Eos publicum malum alebat*; Sallust. Cat. 37.) In the latter ages of the republic, an immense quantity of corn was annually distributed among them at the public expense, five bushels monthly to each man, Sallust. Fragn. edit. Cortii, p. 974. Their principal business was to attend on the tribunes and popular magistrates in their assemblies; hence they were called TURBA FORENSIS, Liv. ix. 46. and from their venality and corruption, OPERÆ CONDUCTÆ vel *mercenarii*, in allusion to mercenary workmen, Cic. Sext. 17. 27. Q. fratr. ii. 1. Att. i. 13. OPERÆ CONDUCTORUM, Sext. 50. MULTITUDO CONDUCTA, Phil. i. 9. CONCIONES CONDUCTÆ, Sext. 49. 53. CONCIONALIS HIRUDO *ærarii, misera ac jejuna* PLEBECULA, Att. i. 16. FÆX ET SORDES URBIS, Ib. 13. URBANA et *perdita* PLEBS, Id. vii. 3.

Cicero often opposes the populace (*populus, plebs, multitudo, tenuiores, &c.*) to the principal nobility, (*principes delecti, Optimates et optimatum principes, honesti, boni, locupletes, &c.*) Cic. Sext. 48. 68. &c.

There were leading men among the populace (*duces multitudinum*), kept in pay by the seditious magistrates, who used for hire to stimulate them to the most daring outrages, Sallust. Cat. 50. Cic. Sext. 37. 46. The turbulence of the common people of Rome, the natural effect of idleness and unbounded licentiousness, is justly reckoned among the chief causes of the ruin of the republic. Trade and manufactures being considered as servile employments, Sallust. Cat. 4. Dionys. ix. 25.\* they had no encouragement to industry; and the numerous spectacles which were exhibited, particularly the shows of gladiators, served to increase their natural ferocity. Hence they were always ready to join in any conspiracy against the state, Sallust. Cat. 37.

## OTHER DIVISIONS OF THE ROMAN PEOPLE.

### 1. PATRONS AND CLIENTS; NOBILES, NOVI, AND IGNOBILES; OPTIMATES, AND POPULARES.

THAT the patricians and plebeians might be connected together by the strictest bonds, Romulus ordained that every plebeian should choose from the patricians any one he pleased as his PATRON or protector, whose CLIENT he was called (*quòd eum colebat*). It was the part of the patron to advise and to defend his client, to assist him with his interest and substance; in short, to do every thing for him that a parent uses to do for his children. The client was obliged to

\* "Cic. Off. i. 42. Illiberales autem et sordidi quæstus mercenariorum, omniumque, quorum operæ, non quorum artes emuntur. Sordidi etiam putandi, qui mercantur a mercatoribus, quod statim vendant; nihil enim proficiunt, nisi admodum mentiantur. Nec vero quidquam est turpius vanitate; opificesque omnes in sordida arte versantur: nec enim quidquam ingenuum potest habere officina." — T.

pay all kind of respect to his patron, and to serve him with his life and fortune in any extremity, *Dionys.* ii. 10. \*

It was unlawful for Patrons and Clients to accuse or bear witness against each other; and whoever was found to have acted otherwise, might be slain by any one with impunity, as a victim devoted to Pluto and the infernal gods. Hence both Patrons and Clients vied with one another in fidelity and observance, and for more than 600 years we find no discussions between them, *Ibid.* Virgil joins to the crime of beating one's parent that of defrauding a client, *Æn.* vi. 605. It was esteemed highly honourable for a patrician to have numerous clients, both hereditary and acquired by his own merit, *Horat. Ep.* ii. 1. 103. *Juvenal.* x. 44.

In aftertimes, even cities and whole nations were under the protection of illustrious Roman families; as the Sicilians under the patronage of the Marcelli, *Cic. in Cæcil.* 4. *Verr.* iii. 18. Cyprus and Cappadocia under that of Cato, *Cic. Fam.* xv. 4. the Allobroges under the patronage of the Fabii, *Sallust. Cat.* 41. the Bononienses, of the Antonii †, *Suet. Aug.* 17. Lacedæmon, of the Claudii, *Id. Tib.* 6. Thus the people of Puteoli chose Cassius and the Bruti for their patrons, *Cic. Phil.* ii. 41. Capua chose Cicero, *Cic. Pis.* 11. *Fam.* xvi. 11. &c. This however seems to have taken place also at an early period, *Liv.* ix. 20. &c. ‡

Those whose ancestors or themselves had borne any curule magistracy, that is, had been Consul, Prætor, Censor, or Curule Ædile, were called NOBILES §, and had the right of making images of

\* "The clients who neither gained their livelihood by trade, nor had already acquired property, received grants from their patrons of building ground on their estates, together with two acres of arable land; not as property, but as a precarious tenement, which the owner could resume if he felt himself injured. But all, however different in rank and consequence, were entitled to paternal protection from the patron: he was bound to relieve their distress, to appear for them in court, to expound the law to them, civil and pontifical. On the other hand, the clients were obliged to be heartily dutiful and obedient to their patron, to promote his honour, to pay his mulcts and fines, to aid him jointly with the members of his house in bearing burthens for the commonwealth, and defraying the charges of public offices, to contribute to the portioning of his daughters, and to ransom him or whoever of his family might fall into an enemy's hands. If the client died without heirs, the patron succeeded to his property."—*Nieb.* i. p. 280.

† Hence, in the war of the Triumvirate, when all Italy had espoused the cause of Octavius, the city of Bologna obtained permission to remain neuter, in consequence of its connection with the family of Antony.

‡ "Among the privileges which the Ramnes are said to have claimed, to the exclusion of the other patricians, one is that of receiving strangers as clients. Still more, then, would they claim this against the plebeians: yet, when distinguished men rose up in the latter order, who could afford protection and redress, and grant plots of ground to be held at will, clients attached themselves to them as well as to the patricians. Until the plebeians obtained a share in the consulship, and the usufruct of the domains, free foreigners, with few exceptions, can have applied only to the first order; in which, indeed, there may have been several members with scarcely a client: and so long patron and patrician were co-extensive terms."—*Nieb.* i. p. 280.

§ We may observe, however, with Hooke, that, during the regal state, and for many years after the establishment of the Commonwealth, none but the patricians, i. e. none but the senators, and their descendants, were noble. Hence in many places of Livy and other authors, we find *nobilitas* used for the patrician order, and so opposed to *plebs*.

themselves (JUS IMAGINUM), which were kept with great care by their posterity, and carried before them at funerals, *Plin.* xxxv. 2.

These images were nothing else but the busts or the effigies of persons down to the shoulders, made of wax, and painted; which they used to place in the courts of their houses (*atria*), enclosed in wooden cases, and seem not to have brought them out except on solemn occasions, *Polyb.* vi. 51. There were titles or inscriptions written below them, pointing out the honours they had enjoyed, and the exploits they had performed. (*Juvenal. Sat.* viii. 69. *Plin.* xxxv. 2.) Hence *imagines* is often put for *nobilitas*, Sallust. Jug. 85. Liv. iii. 58. and *cerae* for *imagines*, Ovid. Amor. i. 8. 65. Anciently this right of images was peculiar to the patricians; but afterwards the plebeians also acquired it, when admitted to curule offices.

Those who were the first of their family that had raised themselves to any curule office, were called *Homines NOVI*, new men or upstarts. Hence Cicero calls himself *Homo per se cognitus*, in Cat. i. 11.\*

Those who had no images of their own or of their ancestors, were called IGNOBILES.

Those who favoured the interests of the senate, were called OPTIMATES, Liv. ii. 39. and sometimes *Procères* or *Principes*: those who studied to gain the favour of the multitude, were called POPULARES, of whatever order they were, Cic. pro Sext. 45. This was a division of factions, and not of rank or dignity, *Dionys.* ix. 1. The contests betwixt these two parties excited the greatest commotions in the state, which finally terminated in the extinction of liberty.

## II. GENTES INGENUI AND LIBERTINI, ETC. AND FAMILIÆ; NAMES OF THE ROMANS.

THE Romans were divided into various clans (GENTES), and each *gens* into several families (in FAMILIAS v. *Stirpes*). Thus, in the *Gens Cornelia* were the families of the *Scipiones*, *Lentuli*, *Cethēgi*, *Dolabellæ*, *Cinnæ*, *Syllæ*, &c. Those of the same *gens* were called GENTILES, and those of the same family AGNATI, Cic. Top. c. 6. † *Festus in Voce GENTILES*. But relations by the father's side were also called *Agnati*, to distinguish them from *Cognati*, relations only by the mother's side. An *Agnatus* might also be called *Cognatus*, but not

\* So Persius (iii. 105.) styles those slaves who had acquired liberty by the death of their masters, "hesterni Quirites," or Romans of yesterday: —

"At illum

*Hesterni capite induto subiere Quirites."*

*Induto* refers to the cap (*pileus*) which slaves wore when they were emancipated. They bore him to the tomb (*illum subiere*).

† "We have no express testimony positively denying the existence of a family affinity among the members of a Roman *gens*. But, had Cicero believed in the common descent of the Roman *gentiles*, his definition would have been made without trouble; as it is, however, he says not a syllable of this; but determines the notion of them by a succession of attributes, each giving it greater and greater precision; adding, to their bearing a common name, — their descent from freemen; without any stain of slavery among their ancestors; without their having ever incurred any legal disability, whether public or private. Hereby even the freed clients, though they bore the gentile name of their patrons, are expressly excluded: while the freeborn foreigners, who acquired that name together with the Roman franchise, are recognised by the very exclusion of the clients. The Cornelii as a *gens* had common religious rites; but we cannot, on that account, assume that an original kindred between the Scipios and the Syllas." — Nieb. i. p. 270.



the contrary. Thus *patruus*, the father's brother, was both an *agnatus* and *cognatus* : but *avunculus*, the mother's brother, was only a *cognatus*, Digest.

Anciently Patricians only were said to have a *gens*, Liv. x. 8.\* Hence some patricians were said to be *majorum gentium*, and others *minorum gentium*, Cic. Fam. ix. 21. But when the plebeians obtained the right of intermarriage with the patricians [A. U. 309], and access to the honours of the state, they likewise received the rights of *gentes* (*jura gentium*, vel *gentilia*) ; which rights were then said to be confounded by these innovations, Liv. iv. 1. &c. Hence, however, some *gentes* were patrician, and others plebeian ; and sometimes in the same *gens* there were some families of patrician rank and others of plebeian, Suet. Tib. 1.† Hence also *sine gente*, for *libertinus et non generosus*, ignobly born, Horat. Sat. ii. 5. 15. ‡

To mark the different *gentes* and *familia*, and to distinguish the individuals of the same family, the Romans, at least the more noble of them, had commonly three names, the *Prænomen*, *Nomen*, and *Cognomen*, Juvenal. v. 126. Quinctil. viii. 3. 27.

The PRÆNOMEN was put first, and marked the individual. It was commonly written with one letter ; as, *A.* for *Aulus* ; *C.* *Caius* ; *D.* *Decimus* ; *K.* *Kæso* ; *L.* *Lucius* ; *M.* *Marcus* ; *M'.* *Manius* ; *N.* *Numerius* ; *P.* *Publius* ; *Q.* *Quintus* ; *T.* *Titus* ; sometimes with two letters,

\* " Plebes dicitur (according to Capito) in quâ gentes civium patriciæ non insunt. (Gellius, x. 20.) Instead of a patrician, Livy says, *vir patriciæ gentis* : of *L. Tarquilius*, iii. 27. ; of *P. Sestius*, iii. 33. ; of *M. Manlius*, vi. 11." — Nieb. i. p. 276.

† " The Claudian house contained the Marcelli ; plebeians, equal to the Appii in the splendour of the honours they attained unto, and beyond comparison more beneficial to the commonwealth : such plebeian families evidently arose from marriages of disparagement, contracted before the right of intermarriage existed between the orders. But the Claudian house had also a very large number of low-born persons who bore its name ; such as the *M. Claudius*, who disputed the freedom of Virginia : nay, according to an opinion of earlier times, as the case in Cicero (*de Orat.* i. 39.) proves, it contained the freedmen and their descendants. Thus among the Gaels, the nobles and their vassals formed the clan of the Campbells : if we apply the Roman phrase to them, the former had it, the latter only belonged to it." — Nieb. i. p. 276.

‡ " To assist their indigent fellows in bearing extraordinary burthens, was an obligation which bound the members of the house, as well as the clients ; this is a bond, however, which did not outlive old times and old manners. Not more than a single instance of it is mentioned ; when the clients and gentiles of Camillus paid the fine for him to which he had been sentenced. (Livy, v. 32.) Subsequently, the custom will have grown obsolete : the gentiles were certainly not called upon, except when the means of the clients were inadequate ; and when the relations of clientship had extended over the whole of Italy, and still further, there was so seldom occasion to do so, that the legal principle itself was forgotten." — Nieb. i. p. 272. " Dionysius says, Romulus divided the curies into decads : what other subdivision can be meant here than that into houses (*gentes*) ? Such an one, that ten houses were assigned to each cury, and the three tribes contained 300. Hence the patrician tribes might also be called centuries, as they are in Livy ; they contained each 100 houses. Here we see the numerical basis of the Roman divisions, three multiplied into ten. Moreover, it corresponds with the 300 fathers in the senate : and if the captain and burgess of each house were called a decurion, there is no longer any thing strange in the senators of the colonies and provincial towns bearing that name. Such numerical proportions are an irrefragable proof that the Roman houses were not more ancient than the constitution ; but corporations formed by a legislator to harmonise with its plan." — P. 273. 290.

as, *Ap. Appius* ; *Cn. Cneius* ; *Sp. Spurius* ; *Ti. Tiberius* ; and sometimes with three, as *Mam. Mamercus* ; *Ser. Servius* ; *Sex. Sextus*.

The NOMEN was put after the Prænomen, and marked the *gens*, and commonly ended in *ius* ; as, *Cornelius*, *Fabius*, *Tullius*, *Julius*, *Octavius*, &c.

The COGNOMEN was put last, and marked the *familia* ; as, *Cicero*, *Cæsar*, &c.

Thus, in *Publius Cornelius Scipio*, *Publius* is the *Prænomen* ; *Cornelius*, the *Nomen* ; and *Scipio*, the *Cognomen*.

Some *gentes* seem to have had no surname ; as the *Marian* ; thus, *C. Marius*, *Q. Sertorius*, *L. Mummius*, Plutarch. in Mario. *Gens* and *familia* seem sometimes to be put the one for the other : thus, *Fabia gens*, v. *Familia*, Liv. ii. 49.

Sometimes there was also a fourth name, called the AGNOMEN or *Cognomen*, added from some illustrious action or remarkable event. Thus Scipio was named *Africanus*, from the conquest of Carthage and Africa. On a similar account his brother Lucius Cornelius Scipio was named *Asiaticus*. So Quintus Fabius Maximus was called *Cunctator*, from his checking the impetuosity of Hannibal by declining battle. We find likewise a second *Agnomen*, or *Cognomen*, added ; thus, the latter *Publius Cornelius Scipio Africanus* is called *Æmilianus*, because he was the son of L. Æmilius Paulus, and adopted by the son of the great Scipio, who had no male children of his own. But he is commonly called by authors *Africanus Minor*, to distinguish him from the former Scipio Africanus.

The Romans at first seem to have had but one name ; as, *Romulus*, *Remus*, &c. or two ; as, *Numa Pompilius*, *Tullus Hostilius*, *Ancus Martius*, *Tarquinius Priscus*, *Servius Tullius*, *Sextus Tarquinius*. But when they were divided into tribes or clans and families (*in gentes et familias*), they began commonly to have three ; as, *L. Junius Brutus*, *M. Valerius Poplicola*, &c.

The three names, however, were not always used ; commonly two, and sometimes only one, namely, the surname, *Sall. Cat.* 17. *Cic. Epist. passim*. But in speaking to any one, the *prænomen* was generally used, as being peculiar to citizens ; for slaves had no *prænomen*. Hence, *Gaudent prænominē molles auriculæ*, Hor. Sat. ii. 5. 32. \*

The surnames were derived from various circumstances ; either from some quality of the mind, as, *Cato* from wisdom, i. e. *Catus*, wise, *Cic. de Sen.* 2. &c. or from the habit of the body, as, *Calvus*, *Crassus*, *Macer*, &c. or from cultivating particular fruits, as, *Lentulus*, *Piso*, *Cicero*, &c. Certain surnames sometimes gave occasion to jests and witty allusions ; thus, *Asina*, Hor. Ep. i. 13. 9. So, *Serranus Calatinus*, *Cic. pro Sext.* 33. Hence also in a different sense Virgil says, *Vel te sulco*, Serrane, *serentem*, Æn. vi. 844. for Q. Cincinnatus was called SERRANUS, because the ambassadors from the senate found him sowing, when they brought him notice that he was made dictator, *Plin.* xviii. 3.

\* Hence Juvenal, in speaking of the humiliating treatment with which parasites met, tells one of them that he would be turned out of doors, if he should remonstrate against it, like a freeman (or one who had got three names) : —

“ Si quid tentaveris unquam  
Hiscere, tanquam habeas tria nomina.” — v. 126, 127.

The *Prænomen* used to be given to boys, on the 9th day, which was called *dies lustricus*, or the day of purification, when certain religious ceremonies were performed, *Macrob. Sat. i. 16. Suet. Ner. 6.* [to girls on the 8th day.] The eldest son of the family usually got the *Prænomen* of his father; the rest were named from their uncles or other relations.

When there was only one daughter in a family, she used to be called from the name of the *gens*; thus, *Tullia*, the daughter of Cicero; *Julia*, the daughter of Cæsar; *Octavia*, the sister of Augustus, &c.; and they retained the same name after they were married. When there were two daughters, the one was called *Major* and the other *Minor*; thus, *Cornelia Major, Cornelia Minor*. If there were more than two, they were distinguished by their number; thus, *Prima, Secunda, Tertia, Quarta, Quinta*, &c. *Varro de Lat. Ling. viii. 38. Suet. Jul. 50.* Or more softly, *Tertulla, Quartilla, Quintilla*, &c. *Cic. Att. xiv. 20.* Women seem anciently to have also had *prænomens*, which were marked with inverted letters; thus, *Ɐ* for *Caia*, *Ɀ* for *Lucia*, &c.

During the flourishing state of the republic, the names of the *gentes*, and surnames of the *familiæ*, always remained fixed and certain. They were common to all the children of a family, and descended to their posterity. But after the subversion of liberty they were changed and confounded.

Those were called LIBERI, free, who had the power of doing what they pleased. Those who were born of parents who had been always free, were called INGENUI. Slaves made free were called LIBERTI and LIBERTINI. They were called *Liberti* in relation to their masters, and *Libertini* in relation to freeborn citizens; thus, *Libertus meus, libertus Cæsaris*, and not *libertinus*: but *libertinus homo*, i. e. *non ingenuus*. *Servus cum manu mittitur, fit libertinus (non libertus)*, *Quinctil. viii. 3. 27.*

Some think that *Libertini* were the sons of the *Liberti*, from *Suetonius, Claud. 24.* who says that they were thus called anciently: so *Isidor. ix. 4.*; but this distinction never occurs in the classics.\* On the contrary, we find both words applied to the same person in writers who flourished in different ages, *Plaut. Mil. Glor. iv. 1. 15, 16. Cic. in Verr. i. 47.* Those whom Cicero, *de Orat. i. 9.* calls *Libertini*, *Livy* makes *qui servitutem servissent*, *xliv. 15.* Hence *Seneca* often contrasts *Servi et Liberi, Ingenui et Libertini*, *de Vit. Beat. 24. Ep. 31. &c.*

### SLAVES.†

MEN became slaves among the Romans, by being taken in war ‡, by sale, by way of punishment, or by being born in a state of servitude, (*Servi aut nascebantur aut fiebant.*)

1. Those enemies who voluntarily laid down their arms and sur-

\* *Hor. (Epist. i. 20. 20. Sat. i. 6. 6.)* calls himself *Libertino patre natum*, i. e. the son of a freedman.

† For a fuller discussion of this subject, the reader is referred to Blair's Inquiry into the state of slavery among the Romans.

‡ Prisoners taken in civil wars were not dealt with as slaves.



rendered themselves, retained the rights of freedom, and were called DEDITITII, *Liv.* vii. 31. *Cæs.* i. 27. But those taken in the field, or in the storming of cities, were sold by auction (*sub corona*, as it was termed, *Liv.* v. 22. &c. because they wore a crown [or chaplet] when sold; or *sub hasta*, because a spear was set up where the crier or auctioneer stood).<sup>\*</sup> They were called SERVI (*quòd essent bello servati*), *Isidor.* ix. 4. or MANCIPIA (*quasi manu capti*), *Varr. L. L.* v. 8.†

2. There was a continual market for slaves at Rome.‡ Those who dealt in that trade (MANGONES vel VENALITII, *Cic. Orat.* 7. *qui venales habebant*, *Plaut. Trin.* ii. 2. 51.) brought them thither from various countries.§ The seller was bound to promise for the soundness of his slaves, and not to conceal their faults, *Horat. Sat.* ii. 3. 285. Hence they were commonly exposed to sale (*producebantur*) naked; and they carried a scroll (*titulus* vel *inscriptio*) hanging at their necks, on which their good and bad qualities were specified, *Gell.* iv. 2. If the seller gave a false account, he was bound to make up the loss, *Cic. Off.* iii. 16, 17. or in some cases to take back the slave, *Ibid.* 23. Those whom the seller would not warrant (*præstare*) were sold with a kind of cap on their head (*pileati*, *Gell.* vii. 4.).

Those brought from beyond seas had their feet whitened with chalk (*cretatis* v. *gypsatis pedibus*, *Plin. Nat. Hist.* xxxv. 17, 18. s. 58.

• “Et præbere caput dominâ venale sub hastâ. (*Juv.* iii. 33).” — T.

† “A few examples will suffice to show how abundant a supply of bondsmen was obtained, by the Romans, in their wars. After the fall of the Samnites at Aquilonia, 2,553,000 (or 2,033,000) pieces of brass were realised by the sale of prisoners, who amounted to about 36,000. (*Livy* x. 46.) The number of the people of Epirus taken and sold for behoof of the army, under Paulus Æmilius, was 150,000. On the descent of the Romans upon Africa, in the first Punic war, they took 20,000 prisoners. On the great victory of Marius and Catulus over the Cimbri, 60,000 were captured. When Pindenissus was taken by Cicero, the inhabitants were sold for more than 100,000*l.* (*Cic. ad Att.* v. 20.) Augustus, having overcome the Salassi, sold as slaves 36,000, of whom 8000 were capable of bearing arms. (*Suet. Aug.* 21.)” — Blair, p. 19. “The profits of the dealers who bought up such slaves must have been enormous. In the camp of Lucullus, in Pontus, a man might be purchased for three shillings, while the lowest price at Rome was, perhaps, nearly 15*l.*” — P. 29.

‡ The stand or stall where slaves were exposed to sale, was called *catasta*, *Tibull.* ii. 6. 41. *Pers. Sat.* vi. 77. *Martial. Ep.* vi. 29. The principal slave-markets were in the Campus Martius, and in the Thuscus Vicus, near the Temple of Castor.

§ “Scythia was so great a magazine for slaves, that Scythian almost became another word for slave. The Roman slave trade was chiefly carried on at Delos. That island rose into importance as a commercial place after the fall of Corinth. Its port became proverbial for such traffic, and was capable of importing and re-exporting 10,000 slaves in a single day. The Cilician pirates made Delos the great staple for the sale of their captives. It ceased to be a great mart after the Mithridatic war. Various provinces of Asia, but, most of all, Phrygia and Syria, furnished slaves to Rome. [Hence *Syri venales*, *Cic. de Orat.* ii. 66.] The Gætæ came from the country a little to the eastward of Pontus. The Davi are thought, by Strabo, to be the same with the German Daci; but Salmasius shows, that the former were more probably an Oriental race. Alexandria appears to have been a considerable place of sale for natives of the neighbouring districts of Egypt. Thrace was the parent country of a number of slaves; and a considerable slave trade was carried on, in the Augustan age, between the inhabitants of the east coast of Italy and the Illyrians; the Galatians, too, were great slave dealers at a later period.” — Blair, p. 25.

Tibull. ii. 3. 64.) and their ears bored, (*auribus perforatis*,) Juvenal. i. 104. \* Sometimes slaves were sold on that condition, that if they did not please they should be returned (*redhiberentur*) within a limited time, [six months, according to the edicts of the *Ædiles*,] *Cic. Off.* iii. 24. *Plaut. Most.* iii. 2. 113. *Festus*. Foreign slaves, when first brought to the city, were called VENALES, or SERVI NOVICII, *Cic. pro Quinct.* 6. *Plin. Ep.* i. 21. *Quintilian.* i. 12. 2. viii. 2. 8. Slaves who had served long, and hence were become artful, *veteratores*, *Terent. Heaut.* v. 1. 16.

It was not lawful for free-born citizens among the Romans, as among other nations, to sell themselves for slaves. Much less was it allowed any other person to sell free men.† But as this gave occasion to certain frauds, it was ordained by a decree of the senate, that those [being 20 years of age] who allowed themselves to be sold for the sake of sharing the price, should remain in slavery. Fathers might, indeed, sell their children for slaves, [this was restricted to unmarried sons,] but these did not on that account entirely lose the rights of citizens; for when freed from their slavery, they were held as *Ingenui*, not *Libertini*. The same was the case with insolvent debtors, who were given up as slaves to their creditors, (*in servitutem creditoribus addicti*,) *Quintilian.* vi. 3. 26. v. 10. 60.

3. Criminals were often reduced to slavery, by way of punishment. Thus those who had neglected to get themselves enrolled in the Censor's books, or refused to enlist, (*qui censum aut militiam subterfugerant*,) had their goods confiscated; and, after being scourged, were sold beyond the Tiber, *Cic. pro Cæcina*, 34.‡ Those condemned to the mines, or to fight with wild beasts, or to any extreme punishment, were first deprived of liberty, and, by a fiction of law, termed slaves of punishment (*servi pænæ fingeantur*).

4. The children of any female slave became the slaves of her master. There was no regular marriage among slaves, but their connection was called CONTUBERNIUM, and themselves, *Contubernales*. Those slaves who were born in the house of their masters, were called VERNÆ, or *Vernaculi*; hence *lingua vernacula*, v. -aris, one's mother tongue. These slaves were more petulant than others, because they were commonly more indulged, *Horat. Sat.* ii. 6. 66.

The whole company of slaves in one house, was called FAMILIA, *Nep. Att.* 13. *Cic. Paradox.* v. 2. (*Familia constat ex servis pluribus*, *Cic. Cæcin.* 19. *Quindecim liberi homines, populus est; totidem servi, familia* §; *totidem vincti, ergastulum*, *Apulei. Apol.*) and the slaves,

\* The passage alluded to in Juvenal would hardly seem to bear out the assertion, that the ears of *all* such slaves were bored. The satirist is introducing an enfranchised slave, born near the Euphrates, and now boasting of the immense wealth that he has amassed. "Quamvis Natus ad Euphratem, molles quod in aure fenestras Arguerint, licet ipse negem." Now, the ears of all slaves in the East were bored as a mark of their servitude. They wore bits of gold by way of ear-rings. The epithet *molles* may perhaps intimate, says Madan, that this custom was looked upon at Rome (as among us) as a mark of effeminacy.

† This is said to have been first made law by Hadrian.

‡ "This must have sunk into a mere form, after the extension of the Roman territories." — *Blair*, p. 41.

§ "Seneca, however, uses the word *familia* in speaking of a set of eleven. *Epist.* 27." — *Blair*, p. 13.

*Familiares*, Cic. pro Cœl. 23. Plaut. Amphit. Prol. 127.\* Hence *familia philosophorum*, sects, Cic. Fin. iv. 18. Divin. ii. 1. Att. ii. 16. *Sententia quæ familiam ducit*, HONESTUM QUOD SIT, ID ESSE SOLUM BONUM; the chief maxim of the Stoics, Id. Fin. ii. 16. *Lucius familiam ducit*, is the chief of the sect, Id. Phil. v. 11. *Accedit etiam, quod familiam ducit*, &c. is the chief ground of praise, Fam. vii. 5.

The proprietor of slaves was called DOMINUS, Terent. Eun. iii. 2. 23. whence this word was put for a tyrant, Liv. ii. 60. On this account, Augustus refused the name, Suet. Aug. 53. So Tiberius, Id. 27. Tacit. Annal. ii. 27.

Slaves not only did all domestic services, but were likewise employed in various trades and manufactures.† Such as had a genius for it, were sometimes instructed in literature and the liberal arts, (*artibus ingenuis, liberalibus v. honestis*, Cic.) Horat. Ep. ii. 2. 7. Some of these were sold at a great price, Plin. vii. 39. s. 40. Senec. Ep. 27 Suet. Jul. 47. Cic. Rosc. Com. 10. Hence arose a principal part of the immense wealth of Crassus, Plutarch. in vita ejus. ‡

Slaves employed to accompany boys to and from school, were called PÆDAGOGI; and the part of the house where those young slaves stayed who were instructed in literature, (*literæ serviles*, Senec. Ep. 88.) was called PÆDAGOGIUM, Plin. Ep. vii. 27. §

Slaves were promoted according to their behaviour: as from being a drudge or mean slave in town (*Mediastinus*), to be an overseer in the country (*Villicus*), Horat. Ep. i. 14.

The country farms of the wealthy Romans in later times were cultivated chiefly by slaves, Plin. xviii. 3. But there were also free men who wrought for hire, as among us (MERCENARII), Cic. Off. i. 13. pro Cæcin. 59.

Among the Romans, masters had an absolute power over their slaves. They might scourge or put them to death at pleasure, Juvenal. Sat. vi. 219. This right was exercised with so great cruelty, especially in the corrupt ages of the republic, that laws were made at different times to restrain it. || The lash was the common punish-

\* Also *famuli* and *famulitii*, Macrob. Sat. i. 2.

† “It was very common for masters to let out their slaves for hire; as well as to sell the productions of their art and industry. Crassus derived a great revenue from the hire of his slave builders; and Atticus gained much emolument from the sale of the copies of manuscripts made by his learned slaves. Sometimes a slave was allowed to live apart, and to exert his talents in any calling, on condition of bringing in to his master the whole, or a certain proportion of his gains.” — Blair, p. 106. — “Cicero seems to say, that a good workman might perhaps get 12 asses, or 10½d. a day, but not more in his age: (pro Q. Roscio, 10.) This rate of hire would give 14l. 0s. 6d. in the working year of 330 days.” — P. 157.

‡ His band of architects and masons alone exceeded 500.

§ “It was at all times, after the introduction of luxury, fashionable to go abroad attended by a great train of slaves. Horace (1 Sat. iii. 11.) mentions such a troop consisting of 200, and considers ten a very small retinue.” — Blair, p. 13.

|| “The slave was also little protected from the violence of others. A law of the Twelve Tables, which imposed fines upon those guilty of assault, fixed the amount, in case of a slave being the party hurt, at half that threatened when a freeman was the sufferer; and the rates were so trifling, that they soon ceased to operate as a punishment.” — Blair, p. 55. “After some restraint had been put upon the arbitrary exertion of domestic authority, the court of the Præfect of the city was directed, by Augustus (Tac. Ann. vi. 11.) to entertain the mutual com-

ment ; but for certain crimes they used to be branded in the forehead\*, and sometimes were forced to carry a piece of wood round their necks wherever they went, which was called FURCA ; and whoever had been subjected to this punishment was ever afterwards called FURCIFER.† A slave that had been often beaten, was called MASTIGIA, *Ter. Adelph.* v. 2. 6. or VERBERO, *Id. Phorm.* iv. 4. 3. A slave who had been branded was called STIGMATIAS, v. -icus, i. e. *notis compunctus*, *Cic. Off.* ii. 7. *Inscriptus*, *Mart.* viii. 75. 9. ‡ *Literatus*, *Plaut. Cas.* ii. 6. 49. (i. e. *litteris inscriptus* : as, *urna literata*, *Plaut. Rud.* ii. 5. 21. *ensiculus literatus*, &c. *Id.* iv. 4. 112.) Slaves also by way of punishment were often shut up in a work-house, or bridewell (*in ergastulo*, v. PISTRINO), where they were obliged to turn a mill for grinding corn, *Plaut. et Ter. passim. et Senec. de Benef.* iv. 37. [These work-houses were suppressed by Hadrian.]

Persons employed to apprehend and bring back (*retrahere*, *Ter. Heaut.* iv. 2. 65.) slaves who fled from their masters (FUGITIVI, *Cic. Fam.* v. 9.) were called FUGITIVARIJ, *Flor.* iii. 19.

When slaves were beaten, they used to be suspended with a weight tied to their feet, that they might not move them, *Plaut. Asin.* ii. 2. 34. &c. *Aul.* iv. 4. 16. *Ter. Phorm.* i. 4. 43. To deter slaves from offending, a thong (*habena*) or a lash made of leather was commonly hung on the staircase (*in scalis latuit metuens pendentis habene*), *Horat. Ep.* ii. 2. 15. ; but this was chiefly applied to younger slaves, *Scholiast. ibid. Impuberes habena vel ferula plectebantur*, *Ulpian. D.* i. 33. de SC. Silan. Some here join *in scalis* with *latuit*, as *Cic. in Mil.* 15. *Phil.* ii. 9.

Slaves when punished capitally were commonly crucified, *Juvenal.* vi. 219. *Cic. in Ver.* v. 3. 64. &c. ; but this punishment was prohibited under Constantine.

If a master of a family was slain at his own house, and the murder not discovered, all his domestic slaves were liable to be put to death. Hence we find no less than 400 in one family punished on this account, *Tacit. Ann.* [xiii. 32.] xiv. 43.

Slaves were not esteemed as persons, but as things, and might be transferred from one owner to another, like any other effects.

Slaves could not appear as witnesses in a court of justice§, *Ter.*

plaints of masters and their slaves ; and before it, the latter were permitted to appear and act on their own behalf." — P. 56. — "Antoninus Pius, borrowing a highly salutary Athenian law on the same subject, empowered the judge, who should be satisfied of a slave's complaint about his ill treatment being well founded, to force the owner to sell him to some other master." — P. 84.

\* This was prohibited by Constantine.

† "Stocks, of various kinds, and known by different names, were much used in punishing slaves. *Cippus* or *robur*, was a sort of pillory, in which the hands and feet were fixed. One sort, called *numella*, (*Plaut. Asin.* iii. 2. 5.) must have been very severe, if it resembled an instrument of the same name, used for fastening refractory cattle. Of a similar description with stocks, was the block of wood (*codex*) to which offenders were chained by the leg, and which could sometimes be dragged after them, but was sometimes immoveable." — *Blair*, p. 109.

‡ "Juv. xiv. 24. *inscripta ergastula, carcer Rusticus.*" *T.*

§ "When an alleged slave claimed his freedom on the ground of unjust detention in servitude, he was under the necessity of having a free protector to sue for him, till Justinian dispensed with that formality." — *Blair*, p. 51.

*Phorm.* ii. 62. nor make a will, *Plin. Ep.* viii. 16. nor inherit any thing [unless accompanied by a bequest of freedom], *Id.* iv. 11., but gentle masters allowed them to make a kind of will (*quasi testamenta facere*), *Plin. Ep.* viii. 16.; nor could slaves serve as soldiers, *Id.* x. 39. unless first made free, *Serv. in Virg. Æn.* ix. 547. except in the time of Hannibal, when, after the battle of Cannæ, 8000 slaves were armed without being freed, *Liv.* xxii. 57.\* These were called VOLONES, because they enlisted voluntarily, *Festus*; and afterwards obtained their freedom for their bravery, *Liv.* xxiv. 16. [xxxiv. 6.]

Slaves had a certain allowance granted them for their sustenance (DIMENSUM), commonly four or five pecks (*modii*) of grain a month, and five *denarii*, which was called their MENSTRUUM, *Donat. in Ter. Phorm.* i. 1. 9. *Senec. Ep.* 80.† They likewise had a daily allowance (DIARIUM, *Horat. Ep.* i. 14. 40.). And what they spared of this, or procured by any other means with their master's consent, was called their PECULIUM, [*Virg. Ecl.* i. 33.] This money, with their master's permission, they laid out at interest, or purchased with it a slave for themselves, from whose labours they might make profit. Such a slave was called *Servi VICARIUS*, *Horat. Sat.* ii. 7. 79. *Cic. Verr.* i. 36. *Plaut. Asin.* ii. 4. 27. *Martial.* ii. 18. 7. and constituted part of the *peculium*, with which also slaves sometimes purchased their freedom. Cicero says, that sober and industrious slaves, at least such as became slaves from being captives in war, seldom remained in servitude above six years, *Phil.* viii. 11.‡ At certain times slaves were obliged to make presents to their masters out of their poor savings, (*ex eo quod de dimenso suo unciatim com- parserint*), *Terent. ibid.* There was sometimes an agreement between the master and the slave, that when the slave should pay a certain sum, the master should be obliged to give him his liberty, *Plaut. Aul.* v. 3. *Casin.* ii. 5, 6. &c. *Rud.* iv. 2. 23. *Tacit.* xiv. 42.

Although the state of slaves in point of right was the same, yet their condition in families was very different, according to the pleasure of their masters and their different employments. Some were treated with indulgence; some served in chains, as janitors and door-keepers (*ostiarii*); and so in the country, *catenati cultores*, *Flor.* iii. 19. *Vincti fossores*, *Lucan.* vii. 402. [*Tibull.* ii. 7. 25.] *hi* (sc. *qui agrum colunt*) *vel coloni, vel servi sunt soluti aut vincti*, *Columell.* i. 7. (see *post*, tit. AGRICULTURE); others were confined in work-houses below ground (*in ergastulis subterraneis*). So Pliny, *Vincti pedes, damnatæ manus*,

\* "Augustus first regularly enrolled freedmen among the troops; and later emperors, in spite of a general law against slaves coming forward as recruits, compelled proprietors to contribute a certain proportion of their slaves, to make up the levies, the slaves acquiring freedom, and sometimes a bounty, by their enrolment; but emancipated recruits appear to have been generally made foot soldiers, and not admitted into the superior service of the cavalry." — *Blair*, p. 54.

† "Salt and oil were commonly allowed; and an allowance of wine equal, upon an average, to about 1½ pint English a day, and more near vintage time and upon great festivals." — *Blair*, p. 95. *Cato de R. R.* 57. Juvenal (xiv. 126.) represents a miser withholding due allowance of food from his slaves: *Servorum ventres modio castigat iniquo*.

‡ "Liberty was generally conferred upon female slaves who had four or more children." — *Blair*, p. 104.



*inscriptique vultus, arva exercent*, xviii. 3. *Coli rura ab ergastulis pessimum est*, lb. c. 6.\*

At certain times slaves were allowed the greatest freedom; as at the feast of Saturn in the month of December, *Horat. Sat.* ii. 7. when they were served at table by their masters, *Auson. de Fer. Rom.* ii. 15. and on the Ides of August, *Festus*.

The number of slaves in Rome and through Italy was immense, *Juvenal.* iii. 140.† Some rich individuals are said to have had several thousands, *Senec. de Tranq. An.* iii.‡ Wars were sometimes excited by an insurrection of the slaves, *Flor.* iii. 19, 20.

There were also public slaves, who were used for various public services, *Liv.* i. 7. [as rowers on board ships of war, in the erection and repair of national works, in taking charge of public buildings,] and especially to attend on the magistrates. Their condition was much more tolerable than that of private slaves, [*Liv.* xxvi. 47.] They had yearly allowances (ANNUA) granted them by the public, *Plin. Epist.* x. 30. 40.

There were also persons attached to the soil (ADSCRIPTITII vel *glebæ adscripti*); concerning the state of whom writers are not agreed.§

\* “Slaves, whose occupations as overseers of farms, or as herdsmen, required that they should live apart from the rest, were allowed to dwell in separate houses or cabins, with their families; but all domestics inhabited a sort of barrack, attached to the dwelling of their master. Artisans were lodged in a work-house (*ergastulum*) where they exercised their crafts; and this abode was, usually, at some villa of their owner. Each slave had a separate cell, like the Roman soldiers; evidence of which may be found in the ruins of domestic and military edifices yet remaining in Italy. (The remains of the prætorian barracks at Rome, and the more perfect barracks at Herculaneum and Pompeii, may be taken as examples.) The younger Pliny (ii. *Ep.* 17. 41.) says, that in his Laurentian (or Laurentinian) villa, most of the slave-rooms were neat enough for the reception of his own guests. Males and females were kept apart, except those whom the master suffered to form unions (*contubernia*) resembling marriage.” — *Blair*, p. 100.

† *Blair* (p. 15.) estimates one slave to every free Roman, between the expulsion of the kings and the fall of Corinth; three to one between the conquest of Greece (A. U. C. 607, B. C. 146) and the reign of Alexander Severus (A. D. 222—235). This, he adds, would make the entire population of Italy, under Claudius, amount to, — free, 6,944,000; slaves, 20,832,000; — total, 27,776,000.

‡ The first question with respect to a man's fortune was, *Quot pascit servos?* *Juv. Sat.* iii. 141.

§ “The *adscriptitii* could not, indeed, be separated from the soil to which they were attached; but were, in most other respects, upon a level with slaves employed in agriculture. They appear, however, to have enjoyed the privilege of marrying without their master's sanction, unless in case of males uniting themselves to free-born females; for, as that released them from servitude, the master's consent was necessary. The *coloni* were differently situated; they enjoyed many of the rights of freemen, except in so far as they had, either expressly or tacitly, abandoned them. The language of various laws, relating to this class of persons, is not very consistent; but the following particulars lead us, on the whole, to characterise their state as one of imperfect or abridged freedom, rather than of mitigated servitude. They (like the *adscriptitii*) could not be removed from the lands on which they lived, unless to another estate of the same master; the rents which they paid, to the lord of the soil, could not be raised; they possessed *peculia*, but were not entitled to alienate them, without leave of their master; they had not full licence to bring actions at law against their master, but might sue him, in regard to property, and injury done to themselves or their families, and might seek redress against his over-exactions. The owner of land was termed the master or patron (*dominus vel patronus*) of the *coloni* who cultivated it; and was permitted to exercise some authority over them, even to

Slaves anciently bore the prænomen of their master; thus, *Marcipōres, Lucipōres, Publipōres* (quasi *Marci, Lucii, Publii pueri, &c.*), *Quinctilian.* i. 4. 26. Afterwards they got various names, either from their country, or from other circumstances; as, *Syrus, Davus, Geta, Parmeno, &c.* in comic writers; *Tiro, Laurea, Dionysius, &c.* in Cicero. But slaves are usually distinguished in the classics by their different employments; as *Medici, Chirurghi, Pædagogi, Grammatici, Scribæ, Fabri, Coqui, &c.* \*

Slaves were anciently freed† by three ways, *Censu, Vindicta, et Testamento*, Cic. Topic. 2. seu 10.

1. *Per CENSUM*, when a slave with his master's knowledge, or by his order, got his name inserted in the Censor's roll, Cic. Cæcin. 34. s. 99.

2. *Per VINDICTAM*, when a master going with his slave in his hand to the Prætor or Consul, and in the provinces, to the Proconsul or Proprætor, said, "I desire that this man be free according to the custom of the Romans." HUNC HOMINEM LIBERUM ESSE VOLO MORE VEL JURE QUIRITUM; and the Prætor, if he approved, putting a rod on the head of the slave, *Horat. Sat.* ii. 7. 76. pronounced, "I say that this man is free after the manner of the Romans." Whereupon the lictor or the master turning him round in a circle, (which was called *VERTIGO*, *Pers. Sat.* v. 75.) and giving him a blow on the cheek, (*alāpa*, *Isidor.* ix. 4. whence, *multo majoris alāpæ mecum veneunt*, Liberty is sold, &c. *Phædr.* ii. 5. 22.) let him go (*e manu emittebat*), signifying that leave was granted him to go where he pleased. The rod with which the slave was struck, was called *VINDICTA*, as some think, from *Vindiccius* or *Vindex*, a slave of the *Vitellii*, who informed the senate concerning the conspiracy of the sons of Brutus and others, to restore the Tarquins, and who is said to have been first freed in this manner, *Liv.* ii. 5. whence also, perhaps, *Vindicare in libertatem*, to free. *MULIER, modò quam vindicta redemit*, a woman lately freed, *Ovid. Art. Am.* iii. 615.

3. *Per TESTAMENTUM*, when a master gives his slaves their liberty by his will. If this was done in express words (*verbis directis*), as, for example, *DAVUS SERVUS MEUS LIBER ESTO*, such freed men were called *ORCINI* or *Charonitæ*, because they had no patron but in the infernal regions. In allusion to which, those unworthy persons who got admission into the senate after the death of

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the extent of moderate castigation. But the *coloni* appear to have had the full right of regular marriage, independently of his control; and their unions obtained the legal name of matrimony (*nuptiæ*). — *Blair*, p. 73.

\* "Of the *Servi* there were several denominations: as, *Usuarii, Fructuarii, Vicarii, Vicariorum Vicarii, Peculiares, Communes, Dotales, Receptitii, Hæreditarii, Castrenses, Ordinarii, Peculiati, Vulgares, and Publici*. These are the denominations mentioned by *Pignorius* (*de Serv.* p. 60.). For a full explanation of these terms, I must refer the reader to *Pitisc. Lex. Ant. Rom.*, or to the author now quoted. I shall only observe, that the *Fructuarii* were those, in whom the possessor had only a temporary interest, not being the owner of them; that the *Dotales* were those given to the husband, as the dower of his wife; *Receptitii*, those whom she retained as her own property; the *Ordinarii* were the chief servants of the family; the *Vicarii*, their assistants, or under-servants; the *Peculiares*, those servants who were charged with the care of the young sons or daughters of the family, and were peculiarly assigned to them for that purpose." — *Crombie's G.* ii. 200.

† *Manumissio* was the only word applied, by the Romans, to the enfranchisement of slaves; *emancipatio* related solely to the dissolution of the *patria potestas*.

Cæsar, were by the vulgar called **SENATORES ORCINI**, *Suet. Aug.* 35. But if the Testator signified his desire by way of request (*verbis precativis*), thus **ROGO HÆREDEM MEUM, UT DAVUM MANUMITTAT**, the heir (*hæres fiduciarius*) retained the rights of patronage.\*

Liberty procured in any of these methods was called **IUSTA LIBERTAS**.

In latter times slaves used to be freed by various other methods: by letter (*per epistolam*); among friends (*inter amicos*), if before five witnesses a master ordered his slave to be free; or by table (*per mensam*), if a master bid a slave eat at his table, *Plin. Epist.* vii. 16.; for it was thought disgraceful to eat with slaves or mean persons, and benches (*subsellia*) were assigned them, not couches. Hence *imi subsellii vir*, a person of the lowest rank, *Plaut. Stich.* iii. 4. 32. [The master designedly calling the slave his son, gave him his freedom. See *Blair*, p. 166.] There were many other methods of freeing slaves, but these did not confer complete freedom. They only discharged them from servitude, but did not entitle them to the privileges of citizens: unless afterwards the *vindicta* was superadded, in presence of a magistrate, *Plin. Ep.* vii. 16. 32. †

Anciently the condition of all freed slaves was the same: they obtained the freedom of the city with their liberty, *Cic. pro Balbo*, 9. according to the institution of Servius Tullius, *Dionys.* iv. 22, 23. They were, however, distributed among the four city tribes as being more ignoble, *Liv. Epit.* xx. ‡ But, afterwards, when many worthless and profligate persons, being freed by their masters, thus invaded the rights of citizens, various laws were made to check the licence of manumitting slaves. No master was allowed to free, by his will, above a certain number, in proportion to the number he had; but not above 100 §, if he had even 20,000, which number some individuals

\* “If named heir, a slave took up the inheritance, and had liberty by implication, if it had not been specially left to him.” — *Blair*, p. 78. “A slave, without being made free in express terms, got liberty and citizenship, if he, by order of either the testator or the heir, attended his master’s funeral, wearing the *pileus*, or fanned his corpse on the bier.” — P. 165.

† “If slaves rendered any signal service to the state, liberty formed part of the recompence by which the national gratitude was testified. Vindicius (*Livy*, ii. 5.), the slave who discovered the plot of the sons of Brutus, in favour of Tarquin, was rewarded with liberty; and two slaves (iv. 35.), who divulged a dangerous servile conspiracy, in the 4th century of Rome (A. U. C. 335), received manumission, and a large sum of money (H. S. 100, or 800*l.*): and the like was offered to any slave who should give information at the time of Catiline’s plot.” — *Blair*, p. 65. 232 “The slave who discovered the murderer of his master was declared free by the prætor, and was subject to no patron.” — P. 167.

‡ A. U. 484. A difference happened between the Censors, T. Sempronius Gracchus and C. Claudius Pulcher, with respect to the freedmen. Hitherto they had been confined to the four city tribes, in order that they might have less sway in the elections; but Gracchus proposed to deprive the greatest part of them of their suffrage. But Claudius insisted that this was illegal; and that, though a Censor might remove a man from one tribe to another (which was the full meaning of *tribu movere*), yet he could remove no man, much less a whole order of men, from all the five and thirty tribes. It was at length agreed that all the freedmen should be incorporated in one of the city tribes; and it fell by lot to the Esquiline tribe to receive them. *Liv.* xlv. 15. Carbo, during his consulship, A. U. 669, got a law passed to distribute them amongst all the five and thirty tribes.

§ See the *Lex Fusia Caninia*.



are said to have possessed, *Athen. Deipnosoph.* vi. 20. Hence Seneca speaks of *vasta spatia terrarum per vinctos colenda; et familia bellicosius nationibus major*, de Benef. viii. 10. and Pliny, of legions of slaves, so that the master needed a person to tell him their names (*nomenclator*), xxxiii. 1. s. 6. So Petronius Arbiter, 37. 117. Augustus ordained by a law, called *Ælia Sentia*, that no slave who had ever for the sake of a crime been bound, publicly whipt, tortured, or branded in the face, although freed by his master, should obtain the freedom of the city, but should always remain in the state of the *Dedititii*, who were indeed free, but could not aspire to the advantages of Roman citizens, *Suet. Aug.* 40. The reason of this law may be gathered from *Dionys.* iv. 24.

Afterwards by the law called *Junia Norbana*, because it was passed in the consulship of L. Junius Norbanus, A. U. 771. those freed *per epistolam, inter amicos*, or by the other less solemn methods, did not obtain the rights of Roman citizens, but of the Latins who were transplanted into colonies. Hence they were called LATINI JUNIANI, or simply LATINI, *Plin. Ep.* x. 105.\*

Slaves when made free used to shave their heads in the temple of Feronia, and received a cap or hat, as a badge of liberty, *Serv. ad Virg. Æn.* viii. 564. *Liv.* xlv. 44. Hence, *Ad pileum servum vocare*, for *ad libertatem*, *Liv.* *ibid.* † They also were presented with a white robe and a ring by their master. They then assumed a *prænomen*, and prefixed the name of their patron to their own. Thus, *Marcus Tullius Tiro*, the freedman of Cicero. In allusion to which, Persius says, *Verterit hunc Dominus; momento turbinis [i. e. vertiginis] exit* MARCUS *Dama*, *Sat.* v. 77. Hence, *Tanquam habeas tria nomina*, for *tanquam liber sis*, *Juvenal.* v. 120. So foreigners, when admitted into the freedom of the city, assumed the name of that person by whose favour they obtained it, *Cic. Fam.* xiii. 35, 36.‡

\* “Freedmen were long deemed ineligible to the consulship, and other high offices, even after they had been made open to plebeians. Nevertheless, they might be appointed judges in the age of Persius (*Sat.* v. 80.); and a person of this rank was prætor, under Trajan (*Plin.* iii. *Ep.* 14.). The valued privilege of wearing a gold ring was, by law or custom, denied to freedmen; but was often accorded by an act of imperial grace. Freedmen were not permitted to use a litter within the city, unless by special licence; and were not considered worthy to exhibit public shows, without authority, previously obtained for the purpose.” — *Blair*, p. 179. “The taint of servile blood was in part removed by one descent; but not for those marriages forbidden by law; and, perhaps, not for entrance into the senate; although some offices were certainly given to the sons of freedmen (*Liv.* ix. 46.). The haughty kept aloof from the company of those whose fathers had been slaves; but not so the majority of society; and the sons of freedmen, if meritorious in themselves, were not excluded from being the guests of the Emperor; and Horace, we know, was a favourite visiter of Augustus, as well as of Mecænas. By the older strict rule, three ingenuous descents were required to qualify for patrician rank.” — *Blair*, p. 181.

† Saturninus, in his sedition, when he had possessed himself of the Capitol, exalted a cap on the top of a spear, as a token of liberty to all the slaves who would join him. Marius also adopted the same expedient against Sylla. — *Val. Max.* viii. 6.

‡ The value of slaves depended upon their qualifications, for either ministering to the luxury of their owner, or being a source of his emolument; and the great profusion of the Romans, during the most luxurious times, is conspicuous in the large sums occasionally paid for slaves, who could not be profitable to their masters. — following are remarkable instances of this extravagance: — A morio, or fool

Patrons retained various rights over their freedmen. If the patron was reduced to poverty, the freedman was bound, in the same manner as a son, to support him, according to his abilities. And if a patron failed to support his freedman when poor, he was deprived of the rights of patronage.

If a freedman died intestate, without heirs, the patron succeeded to his effects. \*

Those freedmen who proved ungrateful to their patrons were condemned to the mines (*ad lautumias*); and the Emperor Claudius, by a law, reduced them to their former slavery (*in servitutem revocavit*), Suet. Claud. 25. *Libertum, qui probatus fuerit patrono delatores summisisse, qui de statu ejus facerent ei quæstionem, servum patroni esse jussit.* L. 5. Dig. de jure Patron. †

## RIGHTS OF ROMAN CITIZENS,

### AND OF THE DIFFERENT INHABITANTS OF THE ROMAN EMPIRE.

WHILE Rome was but small and thinly inhabited, whoever fixed their abode in the city or Roman territory, obtained the rights of citizens.

To increase the number of citizens, Romulus opened an *asylum* or sanctuary for fugitive slaves, insolvent debtors, and malefactors, whither great numbers flocked from the neighbouring states, *Liv.* i. 8. because no one could be taken from thence to punishment, *Id.* xxxv. 51. *Tac. Ann.* iii. 60. Even vanquished enemies were transplanted to Rome, and became citizens. In this manner the freedom

(*Mart.* viii. 13.), was sometimes sold for 20,000 *nummi*, or 161*l.* 9*s.* 2*d.*; 100,000 *nummi*, or 807*l.* 5*s.* 10*d.*, were given, by Calvisius Sabinus (*Sen. Ep.* 4.), for each of a set of learned slaves, who could repeat the whole of celebrated works. Marc Antony (*Plin.* vii. 12.) paid for a pair of beautiful youths, who resembled each other so strongly, that they were passed off as twins, 200 *sestertia*, or 1614*l.* 11*s.* 8*d.* At a later period, single handsome boys fetched vast prices; 100,000 *nummi*, or 807*l.* 5*s.* 10*d.*, and even twice that sum. Eunuchs were always very dear; but the amount paid for one who belonged to Sejanus, if not erroneously stated by Pliny (vii. 39.; viz. 3500 *sestertia*, or 28,255*l.* 4*s.* 2*d.*), is to be regarded as a mere fancy price. Slaves, possessing qualifications which might be turned to profit, were sometimes sold for very large sums. A good cook was valued at 4 talents, or 772*l.* A vine-dresser was worth 8000 *sestertii*, or 64*l.* 11*s.* 8*d.* An esteemed medical man must have borne a high value, as the annual emoluments of one sometimes amounted to nearly 5000*l.* (*Plin.* xxix. 1.) A slave well fitted for the stage was very valuable; as we learn from the lawsuit between Roscius the actor and Fannius, respecting a slave player, in which Cicero was counsel for the former; where it appears, that 1614*l.* 11*s.* 8*d.* (200 *sestertia*) was under the full value of a good performer. Roscius made about 30*l.* a day, and either 4000*l.* or 5000*l.* a year. Dionysia, an actress, who was upon the stage at the same time as Roscius, received that sum as her annual salary (*Cic. pro Q. Rosc.* 8.). When Horace wrote (*Sat.* ii. 7. 43.), 500 *drachmæ*, 16*l.* 2*s.* 11*d.*, seems to have been a fair price for a good slave of ordinary qualifications." — *Blair*, c. vii.

\* "By a law passed in the year of Rome 761, if a freedman died worth 100,000 *sesterces*, or about 800*l.* sterling, leaving only one child, his former master became entitled to one half; if he left two, to one third; but if more, he was excluded. This, however, was altered by Justinian; and when freedom was conferred by a testamentary act of the master, the slave was exonerated from all compulsory obligation to his heirs." — *Sketches of the Institutions, &c. of the Romans*, p. 15.

† The murder of a patron by his freedman was accounted parricide.

of the city was granted by Romulus to the *Cæninenses*, *Camerini*, *Antemnates*, *Crustumini*, and at last also to the *Sabines*. This example was imitated by his successors, who transplanted the Albans and other vanquished tribes to Rome, *Liv.* i. 29. 33. Likewise after the expulsion of the kings, the freedom of the city was given to a great many, especially after the taking and burning of the city by the Gauls; at which time, that it might be rebuilt with more splendour, new citizens were assumed from the *Veientes*, *Capenates*, and *Falisci*, *Liv.* vi. 4.

Besides those who had settled in the Roman territory, and who were divided into city and country tribes, the freedom of the city was granted to several foreign towns, which were called *MUNICIPIA*, and the inhabitants *MUNICIPES*, because they might enjoy offices at Rome (*munia v. munera capere poterant*). When any of these fixed their abode at Rome, they became *CIVES INGENUI*, *Cic. Brut.* 75. *de Legg.* ii. 2. Hence it happened that the same person might enjoy the highest honours both at Rome and in his own free town. Thus Milo, while he stood candidate for the Consulship at Rome, was Dictator in his own native city Lanuvium, *Cic. pro. Mil.* 37. The free town in which one was born was called *patria GERMANA*, *naturæ vel loci*. Rome, (*qua exceptus est*), *patria COMMUNIS*, *civitatis vel juris*. *Cic. de Legg.* ii. 2. \*

But when the Roman empire was more widely extended, and the dignity of a Roman citizen of course began to be more valued, the freedom of the city (*jus civitatis*) was more sparingly conferred, and in different degrees, according to the different merits of the allies towards the republic. To some the right of voting (*jus suffragii*) was given, and to others not. The people of Cære were the first who obtained the freedom of the city without the right of voting, for having received the sacred things of the Roman people, the Vestal Virgins and priests, when they fled from the Gauls, *A. Gell.* xvi. 13.† The freedom of the city was soon after given in this manner to the people of Capua, Fundi, Formiæ, Cumæ, and Sinuessa, *Liv.* viii. 14. to the inhabitants of Acerra, *ibid.* 17. and of Anagnia, &c.

The inhabitants of Lanuvium, Aricia, Nomentum, Pedum, re-

\* According to the Roman law, no person could be invested with the *Jus civitatis*, without relinquishing the right of citizenship in any other state or country: "*duarum civitatum civis esse nostro jure civili nemo potest* (*Cic. pro Balbo*, xi.). The custom in the Greek states was different (*pro Archid.*, v.). The most numerous honours of this kind were obtained by grammarians, sophists, rhetoricians, physicians, &c., who, from their migratory species of life, were called *περιόδευται*, i. e. *circulatores*. Thus we meet with an *Athleta* amongst the *Inscr. Athlet.* p. 60., who is entitled, "Sorilianus, Alexandrinus, Antinoensis, Atheniensis, Ephesius, Smyrnæus, Pergamenus, Nicomediensis, Milesius, Lacedæmonius."

There appears to have been some difference, in after-times, betwixt the condition of the *novi* and the *veteres cives*. Under the emperors, the *novi cives* were excluded from the inheritances of their parents and *agnati* (if they did not obtain this benefit by a special rescript and favour of the emperor), unless they paid a tax amounting to a twentieth part (*vicesima hæreditatum*), from which the *veteres cives* were exempt, who enjoyed the *jura cognationum* in their integrity: — "*Hæc mansuetudo legis*, says Pliny, *veteribus civibus servabatur*." *Panegy.* c. 36.

† Hence the Censor's tables, where they entered the names of such persons who had forfeited, by some misdemeanour, the *jus suffragii*, were termed *Cæritum Tabulæ* *A. Gell.* xvi. 13.

ceived the freedom of the city with the right of voting, *Liv.* viii. 14. and Privernum (*Privernates*), c. 21. But several cities of the *Hernici* preferred their own laws, *Liv.* ix. 43. In process of time, this right was granted to all the allies of the Latin name; and after the Social or Italian war, it was communicated to all the Italians south of the river Rubicon on the upper sea, and of the city Luca on the lower sea.\* Afterwards the same right was granted to Cisalpine Gaul, which hence began to be called *Gallia Togata*. Augustus was very sparing in conferring the freedom of the city; but the succeeding emperors were more liberal, and at different times granted it to different cities and nations. At last Caracalla granted the freedom of Roman citizens to all the inhabitants of the Roman world.

Those who did not enjoy the right of citizens were anciently called HOSTES, and afterwards PEREGRINI, *Cic. Off.* i. 12. After Rome had extended her empire, first over Latium, then over Italy, and lastly over great part of the world, the rights which the subjects of that empire enjoyed came to be divided into four kinds; which may be called *Jus Quiritium*, *Jus Latii*, *Jus Italicum*, *Jus Provinciarum* vel *Provinciale*.

JUS QUIRITIUM comprehended all the rights of Roman citizens, which were different at different times. The rights of Roman citizens were either private or public: the former were properly called *Jus Quiritium*, and the latter *Jus Civitatis*, *Plin. Ep.* x. 4. 6. 22. *Cic. in Rull.* ii. 19. as with us there is a distinction between denisation and naturalisation. †

## 1. PRIVATE RIGHTS OF ROMAN CITIZENS.

THE private rights of Roman citizens were, 1. *Jus Libertatis*, the right of liberty; 2. *Jus Gentilitatis et Familiæ*, the right of family; 3. *Jus Connubii*, the right of marriage; 4. *Jus Patrium*, the right of a father; 5. *Jus Dominii Legitimi*, the right of legal property; 6. *Jus Testamenti et Hæreditatis*, the right of making a will, and of succeeding to an inheritance; 7. *Jus Tutelæ*, the right of tutelage or wardship.

\* The Romans first gave the freedom of the city to those towns which continued firm in their allegiance; and, afterwards, for the sake of quiet, to all the rest. "From this time," says Middleton, quoting from Montesquieu, "all affairs were decided by faction and violence, and the influence of the great, who could bring whole towns into the forum from the remote parts of Italy, so that it was scarcely possible to know whether any act had passed regularly, by the genuine suffrage of the people."

† It ought to be observed, that the *jus civitatis* was little more than an honorary title, except to those who removed to Rome, settled there, and conformed to the laws and religion of the Romans. Such only had the right of suffrage, and the other substantial privileges of the proper citizens. But the liberal manner in which the Romans communicated the right of citizenship, was very advantageous to the growth of the republic. The single battle of Chæronea, as Dionysius observes (*Antiq.* iii.) ruined the Athenians and Thebans; but the Romans, in the second Punic war, survived the most disastrous defeats, as they were enabled to draw upon the citizens, from their number, to an almost unlimited extent.

## 1. THE RIGHT OF LIBERTY.

THIS comprehended LIBERTY, not only from the power of masters (*dominorum*), but also from the dominion of tyrants, the severity of magistrates, the cruelty of creditors, and the insolence of more powerful citizens.

After the expulsion of Tarquin, a law was made by Brutus, that no one should be king at Rome, and that whoever should form a design of making himself king, might be slain with impunity. At the same time the people were bound by an oath, that they would never suffer a king to be created.

Roman citizens were secured against the tyrannical treatment of magistrates, first, by the right of appealing from them to the people, [*provocatio*] and that the person who appealed should in no manner be punished, till the people determined the matter; but chiefly, by the assistance of their Tribunes.\*

None but the whole Roman people in the *Comitia Centuriata*, could pass sentence on the life of a Roman Citizen. No magistrate was allowed to punish him by stripes or capitally. The single expression, "I AM A ROMAN CITIZEN," checked their severest decrees, *Cic. in Verr. v. 54. 57. &c.* Hence, QUIRITARE *dicitur, qui Quiritium fidem clamans implorat.* Varro de Lat. Ling. v. 7. *Cic. ad Fam. x. 32. Liv. xxix. 8. Acts xxii. 25.*

By the laws of the twelve tables it was ordained, that insolvent debtors † should be given up (*addicerentur*) to their creditors to be bound in fetters and cords (*compedibus et nervis*), whence they were called NEXI, OBÆRATI, et ADDICTI. ‡ And although they did

\* Some have denied this right of appeal to the people; but Cicero expressly mentions, among the regal institutions "*provocationes*," (along with *Cæremoniæ, Comitia*), as being coeval with the foundation of the city, *Tusc. Quæst. 4. 1.*; to which purpose, Seneca has quoted a passage from his treatise *de Republicâ*; and intimates that the same right was likewise declared in the Pontifical Books, *Ep. 108.* An instance is given in *Valerius Maximus*, i. 8. 1. vid. *Liv. i. 26.* This fundamental right of appeal to the people, in all cases, was confirmed, by a new law, brought forward, A. U. 244, by P. Valerius Poplicola, one of their first consuls, who also made it capital to exercise any magistracy at Rome without their special appointment. It was renewed by individuals of the same family, A. U. 304 and 453.

An exception, however, to these general observations must be made in those critical conjunctures, when the senate required the consuls to take care that the state should not receive any detriment; and then the formalities of trial, with respect to traitorous individuals, were frequently dispensed with. This, however, was always considered a stretch of arbitrary power, and could only be justified in the greatest emergency. Thus, Cicero was banished, through the tribune Clodius, principally on the charge of having put to death, in an illegal manner, the accomplices of Catiline, though this had been done, not by him individually, but in consequence of a general vote of the senate.

† i. e. Plebeians only. See *Nieb. i. p. 505.* Their children and grandchildren were equally liable.

‡ "Whoever, after the prætor's sentence (in a question of debt), failed to discharge it within the limited term, was consigned, by the law, to the creditor as his bondman: but he was *addictus*, and not *nexus*. A person was *nexus*, when, by a regular quiritary bargain, in the presence of witnesses, for money weighed out to him, he had disposed of himself, and consequently of all that belonged to him,



not entirely lose the rights of freemen, yet they were in actual slavery, and often treated more harshly than even slaves themselves, *Liv.* ii. 23.\*

If any one was indebted to several persons, and could not find a cautioner (*vindex* vel *expromissor*) within sixty days, his body (*corpus*) literally, according to some, [so *Niebuhr*, ii. p. 569.] but more probably, according to others, his effects, might be cut into pieces (*secari*), and divided among his creditors, *A. Gell.* xx. 1.† Thus *sectio* is put for the purchase of the whole booty of any place, or of the whole effects of a proscribed or condemned person, *Cic. Phil.* ii. 26.; or for the booty or goods themselves, *Cæs. de Bell. Gall.* ii. 33. *Cic. Inv.* i. 45. and *sectores* for the purchasers, [*Cic. Phil.* ii. 27.] *Ascon. in Cic. Verr.* i. 23. because they made profit by selling them in parts (*a seco*): hence *Sectores collorum et bonorum*, i. e. *qui proscriptos occidebant, et bona eorum emebant*, *Cic. Rosc. Am.* 29.

To check the cruelty of usurers a law was made, A. U. 421, whereby it was provided, that no debtors should be kept in irons or in bonds; that the goods of the debtor, not his person, should be given up to his creditors, *Liv.* viii. 28.

But the people, not satisfied with this, as it did not free them from prison, often afterwards demanded an entire abolition of debts, which they used to call [*Novæ Tabulæ*,] NEW TABLES. But this was never granted them. At one time, indeed, by a law passed by Valerius Flaccus, [A. U. 667.] silver was paid with brass, [*argentum ære solutum est*,] as it is expressed, *Sallust. Cat.* 33. that is, the fourth part of the debt only was paid, *Vell.* ii. 23. an *as* for a *sestertius*, and a *sestertius* for a *denarius*; or 25 for 100, and 250 for 1000.‡ Julius Cæsar after his

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having, in form, sold, in reality, pledged himself: into this state none could come, except by his own act and deed. So long as the *nerus* was not *addictus*, he enjoyed the same rights as every other full citizen: this was expressly secured to him by the laws. But, on the other hand, he who was adjudged as a slave, lost his civic rights; and thus underwent what was termed a *deminutio capitis*, a term applicable to every change made in a person's condition, on account of his becoming *deterioris juris*." — *Nieb.* i. p. 508.

\* "Livy himself, in spite of his prejudices, does not suppress what was to be read in the Annals; that every patrician house was a gaol for debtors; and that in seasons of great distress, or after every sitting of the courts, herds of sentenced slaves were led away in chains to the houses of the nobles: vi. 36." — *Nieb.* i. p. 506.

† "Annæus Robertus and Heraldus have each proposed a mitigating interpretation of this law; Bynkershoek was solicitous to prove that the creditors were entitled to divide, not the body, but the price of the insolvent debtor; and his opinion has been adopted by Dr. Taylor, and other learned civilians. But this opinion can neither be reconciled with the obvious meaning of the words, nor with the ancient mode of understanding them. The same laws which conferred on the father of a family the power of life and death over his wife and children, and which awarded capital punishment against the author of a satirical poem, may, without much difficulty, be conceived to have disposed of a poor debtor's person in the most summary manner; and that the unrelenting treatment of debtors was a ground of open dissension between the different orders of people, is obvious to every person acquainted with ancient history." — *Encyc. Britan.* art. *Civil Law*. The same custom of giving up the persons of debtors to their creditors prevailed at Athens, until it was abolished by the law of Solon.

‡ The *sestertius* was originally equal to two asses and a half; and the *denarius* to ten; when, however, the weight of the *as* was diminished to one ounce, a *denarius* passed for 16 asses, and a *sestertius* for four, which proportion continued when the *as* was reduced to half an ounce. See the *Lex Papiria*.

victory in the civil war, enacted something of the same kind, *Cæs. Bell. Civ.* iii. 1. *Suet. Jul.* 14.

## 2. THE RIGHT OF FAMILY.

EACH *gens* and each family had certain sacred rites peculiar to itself, which went by inheritance in the same manner as effects, *Liv.* iv. 2.\* When heirs by the father's side of the same family (*agnati*) failed, those of the same *gens* (*gentiles*) succeeded, in preference to relations by the mother's side (*cognati*) of the same family (*familia*). No one could pass from a Patrician family to a Plebeian, or from a Plebeian to a Patrician, unless by that form of adoption, which could only be made at the *Comitia Curiata*. Thus Clodius, that enemy of Cicero, was adopted by a Plebeian, that he might be created a tribune of the commons, *Cic. Dom.* 15. *Att.* i. 18. 19.

## 3. THE RIGHT OF MARRIAGE.

No Roman citizen was permitted to marry a slave, a barbarian, or a foreigner, unless by the permission of the people; as *Liv.* xxxviii. 36. *CONNUBIUM est matrimonium inter cives; inter servos autem, aut inter civem et peregrinæ conditiones hominem, aut serviles, non est Connubium, sed CONTUBERNIUM.* *Boeth. in Cic. Top.* 4. By the laws of the *Decemviri*, intermarriages between the Patricians and Plebeians were prohibited. But this restriction was soon abolished, *Liv.* iv. 6. Afterwards, however, when a Patrician lady married a Plebeian, she was said *Patribus enubere*, and was excluded from the sacred rites of Patrician ladies, *Liv.* x. 23. When any woman married out of her clan, it was called *Gentis enuptio*; which likewise seems anciently to have been forbidden, *Liv.* xxxix. 19. The different kinds of marriage, &c. will be treated of afterwards.

## 4. THE RIGHT OF A FATHER.

A FATHER, among the Romans, had the power of life and death over his children. He could not only expose them when infants, which cruel custom prevailed at Rome for many ages, as among other nations, *Cic. de Legg.* iii. 8. [*"tāquam ex XII. tabulis, insignis ad deformitatem puer.* Davis quotes *Sen. de Irâ*, i. 15. *Portentosos fœtus extinguimus; liberos quoque, si debiles monstrosique sunt, MERGIMUS.*" *T.*] *Ter. Heaut.* iv. 1. *Suet. Octav.* 65. [*"ex nepte Julia, post damnationem, editum infantem agnosci aliquæ vetuit: a strong case, but extraordinary."* *T.* Compare *Claud.* 27.] *Calig.* 5. [*"on the day of the death of Germanicus, Lares a quibusdam familiares in publicum abjecti, partus conjugum expositi: evidently, most extraordinary."* *T.*] *Senec. de Ben.* iii. 13. [*"31. Si exposuisses, nempe injuria erat genuisse: which seems rather to indicate the extreme rarity of the practice."* *T.*] &c. and a new-born infant was not held legitimate, unless the father, or in his absence some person for him, lifted it from the ground (*terram le-*

\* "The Nautii were bound to offer such to Minerva; the Fabii, perhaps, to Hercules or Sancus; the Horatii, in expiation of the fratricide committed by Nautius." — *Nieb.* i. p. 271.

*vâsset*), and placed it on his bosom ; hence *tollere filium*, to educate ; *non tollere*, to expose.\* But even when his children were grown up, he might imprison, scourge, send them bound to work in the country, and also put them to death by any punishment he pleased, if they deserved it, *Sall. Cat.* 39. *Liv.* ii. 41. viii. 7. *Dionys.* viii. 79.† Hence a father is called a *domestic judge*, or *magistrate*, by Seneca ; and a *censor of his son*, by Suetonius, *Claud.* 16. Romulus, however, at first permitted this right only in certain cases, *Dionys.* ii. 15. ix. 22.

A son could acquire no property but with his father's consent ; and what he did thus acquire was called his *PECULIUM*, as of a slave, *Liv.* ii. 41. If he acquired it in war, it was called *PECULIUM CASTRENSE*.

The condition of a son was in some respects harder than that of a slave. A slave when sold once became free : but a son not, unless sold three times. The power of the father was suspended, when the son was promoted to any public office, but not extinguished, *Liv. ib.* For it continued not only during the life of the children, but likewise extended to grandchildren and great grandchildren. None of them became their own masters (*sui juris*) till the death of their father and grandfather. A daughter by marriage passed from the power of her father under that of her husband.

#### EMANCIPATION AND ADOPTION.

WHEN a father wished to free his son from his authority (*EMANCIPARE*), it behoved him to bring him before the *Prætor*, or some magistrate (*apud quem legis actio erat*), and there sell him three times, *PER ÆS ET LIBRAM*, as it was termed, to some friend, who was

\* “ The right of parents to expose their children, was restricted till the infant had attained the age of three years ; in the double hope, that both the child, and their affection for it, might, in that time, acquire strength sufficient to avert the fate which otherwise awaited it. This humane law, although confirmed by those of the twelve tables, was, however, continually evaded ; and although absolute child-murder was not, perhaps, often committed, yet the exposition of infants was customary at Rome, not only during the early period of its history, but for many succeeding ages.”—*Sketches of the Institutions, &c. of the Romans*, p. 43. “ Notwithstanding that infanticide was not criminal in the view of the law, it has been thought probable that Rome, at an early period, contained foundling hospitals for the reception of deserted children. Mention is made of such houses in the Justinian code ; and that orphans were provided for by the state, as well as by charitable individuals, has been proved by the discovery of an ancient document, in the neighbourhood of Placentia, in the year 1747. This curious relic of antiquity — which consists of a ponderous copper tablet, five feet in height, and ten in breadth, — contains an inscription of more than 600 lines, purporting that the emperor Trajan had laid out a capital of 1,044,000 sesterces, on mortgage, at 5 per cent. interest, which was to be divided, monthly, among 245 boys and 34 girls, born in wedlock ; and two illegitimate children, belonging to the community of Velleia. The same tablet also records a bequest, by one Cornelius, of a smaller amount, for a similar purpose ; but it makes no allusion to orphan houses for the reception of the children, nor of the manner in which the money was to be applied.” — *Ibid.* p. 44.

† “ This power was exercised, so late as the conspiracy of Catiline ; one of whose associates, named Aulus Fabius, was put to death by his father, for attempting to join the rebels. More recently, T. Arius held a domestic court for the trial of his own son, who had plotted against his life ; but Augustus having suggested exile as an adequate punishment, the youth was banished to Marseilles.” — *Blair*, p. 238.



called PATER FIDUCIARIUS, because he was bound after the third sale to sell him back (*remancipare*) to the natural father. There were besides present, a LIBRIPENS, who held a brazen balance; five witnesses, Roman citizens, past the age of puberty; and an *antestatus*, who is supposed to be so named, because he summoned the witnesses by touching the tip of their ears, *Hor. Sat. i. 9. 76.* In the presence of these, the natural father gave over (*mancipabat*, i. e. *manu tradebat*), his son to the purchaser, adding these words, MANCUPO TIBI HUNC FILIUM, QUI MEUS EST. Then the purchaser, holding a brazen coin (*sestertius*), said, HUNC EGO HOMINEM EX JURE QUIRITUM MEUM ESSE AIO, ISQUE MIHI EMPTUS EST HOC ÆRE, ÆNEAQUE LIBRA: and having struck the balance with the coin, gave it to the natural father by way of price. Then he manumitted the son in the usual form. But as by the principles of the Roman law, a son, after being manumitted once and again, fell back into the power of his father, this imaginary sale was thrice to be repeated, either on the same day, and before the same witnesses, or on different days, and before different witnesses; and then the purchaser, instead of manumitting him, which would have conferred a *jus patronatus* on himself, sold him back to the natural father, who immediately manumitted him by the same formalities as a slave (*Libra et ære liberatum mittebat*, Liv. vi. 14.). Thus the son became his own master (*sui juris factus est*), Liv. vii. 16.

The custom of selling *per æs vel assem et libram*, took its rise from this,—that the ancient Romans, when they had no coined money, Liv. iv. 60. and afterwards when they used *asses* of a pound weight, weighed their money, and did not count it.\*

In emancipating a daughter, or grandchildren, the same formalities were used, but only once (*unica mancipatio sufficiebat*); they were not thrice repeated as in emancipating a son. But these formalities, like others of the same kind, in process of time came to be thought troublesome. Athanasius, [Anastasius I.; see *Gibbon*, c. xxxix.] therefore, and his nephew Justinian, invented new modes of emancipation. Anastasius I. appointed, that it should be sufficient if a father showed to a judge the rescript of the Emperor for emancipating his son; and Justinian, that a father should go to any magistrate competent, and before him, with the consent of his son, signify that he freed his son from his power by saying, HUNC SUI JURIS ESSE PATIOR, MEAQUE MANU MITTO.

When a man had no children of his own, lest his sacred rites and names should be lost, he might assume others (*extraneos*) as his children by adoption.

If the person adopted was his own master (*sui juris*), it was called ARROGATIO, because it was made at the *Comitia Curiata*, by proposing a bill to the people (*per populi rogationem*), Gell. v. 19. [Suet. Octav. 65. *Tertium nepotem Agrippam, simulque privignum Tiberium adoptavit in foro, lege Curiatâ.*]

If he was the son of another, it was properly called ADOPTIO, and was performed before the Prætor or president of a province, or

\* The object was to bring the coins of different towns, which were all current at Rome to a common standard. — See *Nieb.* i. p. 405.

any other magistrate (*apud quem legis actio erat*). The same formalities were used as in emancipation. It might be done in any place, *Suet. Aug.* 64. The adopted passed into the family, the name, and sacred rites of the adopter, and also succeeded to his fortune. Cicero makes no distinction between these two forms of adoption, but calls both by the general name of *Adoptio*.\*

[RIGHTS OF MATRONS.]

“THE Sabine women had saved Rome. Romulus rewarded them with honours for themselves, and the class of matrons. The names of the Sabine wives were given to the curies: exemption was guaranteed to them, and to all married women, for ever, from every kind of household service, except spinning and weaving. A man was to make way for the matron that met him; whoever hurt her modesty by a wanton word or look, was guilty of a capital offence; the right of inheriting on the same footing with a child (by the *conventio in manum*), was conferred on the wife, if she wished it: but the husband who should abuse this parental power, and sell his wife, as he might a child, was devoted to the infernal gods.” — *Nieb.* i. p. 194.]

5. THE RIGHT OF PROPERTY.

THINGS, with respect to property among the Romans, were variously divided. Some things were said to be of DIVINE RIGHT, others of HUMAN RIGHT: the former were called *sacred* (*res SACRÆ*); as *altars, temples*, or any thing publicly consecrated to the gods by the authority of the pontiffs; or *religious* (*RELIGIOSÆ*); as *sepulchres, &c.*; or *inviolable* (*SANCTÆ*, i. e. *aliqua sanctione munitæ*); as the walls and gates of a city, *Macrob. Sat.* iii. 3.

These things were subject to the law of the pontiffs, and the property of them could not be transferred. Temples were rendered sacred by inauguration, or dedication, that is, by being consecrated by the augurs (*consecrata inaugurataque*). Whatever was legally consecrated, was ever after unapplicable to profane uses, *Plin. Ep.* ix. 39. x. 58, 59. 76. Temples were supposed to belong to the gods, and could not be the property of a private person. Things ceased to be sacred by being unhallowed (*exauguratione*, *Liv.* i. 55.).

Any place became *religious* by interring a dead body in it, i. 6. § 4. *D. de divis. rei.*

Sepulchres were held religious, because they were dedicated to the infernal gods (*Diis manibus vel inferis*). No sepulchre could be built or repaired without the permission of the pontiffs; nor could the

\* “Besides these forms, three other conditions were essential: that the adoptive father should be at least eighteen years older than the son, and that he should both be without children of his own, and without reasonable hope of having any; that neither honour, religion, the domestic worship, or peculiar sacrifices of the two families, should receive any attain by it; that it was without fraud or collusion; and that it had no other object than the apparent one of a *bonâ fide* adoption. The consideration of these conditions belonged to the college of pontiffs, and if they approved the demand, it was at once admitted in the case of simple affiliation, and referred to the general assembly of the people in that of arrogation; but the emperors took this right into their own hands, and extended it so far as to give permission of adoption to women who were childless.” — *Sketches of the Institutions, &c. of the Romans*, p. 54.

property of sepulchres be transferred, but only the right of burying in them (*jus mortuum inferendi*). The walls of cities were also dedicated by certain solemn ceremonies, and therefore they were held inviolable (*sancti*), and could not be raised or repaired without the authority of the pontiffs.

Things of human right were called *Profane* (*res PROFANÆ*); and were either PUBLIC and COMMON, as, *the air, running water, the sea, and its shores, &c.* *Virg. Æn. vii. 229. Cic. Rosc. Am. 26.*; or PRIVATE, which might be the property of individuals.

Some make a distinction between things common and public, but most writers do not. The things of which a whole society or corporation had the property, and each individual the use, were called RES UNIVERSITATIS, or, more properly, RES PUBLICÆ, (*quasi populiæ, a populo, the property of the people*;) as *theatres, baths, highways, &c.* And those things were called RES COMMUNES, which either could be the property of no one, as *the air, light, &c.* *Ovid. Met. i. 135. vi. 349.* or which were the joint property of more than one; as a *common wall, a common field, &c.* COMMUNE, a subst. is put for the commonwealth, *Cic. Ver. ii. 46. 63. 69. Horat. Od. ii. 15. 13.* Hence, in *commune consulere, prodesse, conferre, metuere, &c.* for the public good.

Things which properly belonged to nobody, were called RES NULLIUS; as *parts of the world not yet discovered, animals not claimed, &c.* To this class was referred *hæreditas jacens*, or an estate in the interval of time betwixt the demise of the last occupier and the entry of the successor.

Things were either MOVABLE or IMMOVABLE. The movable things of a farm were called RUTA CÆSA, sc. *et*; i. e. *Eruta et cæsa*; as *sand, coals, stones, &c.* which were commonly excepted (*recepta*), or retained by the seller, *Cic. Top. 26. Orat. ii. 55.*

Things were also divided into CORPOREAL, i. e. which might be touched; and INCORPOREAL, as *rights, servitudes, &c.* The former Cicero called *Res, quæ sunt*; the latter, *Res, quæ intelliguntur*, Topic. 5. But others, perhaps more properly, call the former, RES, *things*; and the latter, JURA, *rights*; *Quinctilian. v. 10. 116.*

The division of things Horace briefly expresses thus:

*Fuit hæc sapientia quondam,  
Publica privatis secernere, sacra profanis.*

De Art. Poet. 396.

So Corn. Nepos, in *Vita Themist. 6.*

Private things (*res PRIVATÆ*) among the Romans, were either RES MANCIPI, or NEC MANCIPI.

RES MANCIPI were those things which might be sold and alienated, or the property of them transferred from one person to another, by a certain rite used among Roman citizens only; so that the purchaser might take them as it were with his hand (*manu caperet*); whence he was called MANCEPS, and the things *res MANCIPI, vel Mancipi*, contracted for *Mancipii*. And it behoved the seller to be answerable for them to the purchaser, to secure the possession (*periculum judicii, vel auctoritatem, vel evictionem præstare, &c.*) *Cic. pro Murræna, 2.*

NEC MANCIPI *res*, were those things which could not be thus transferred; whence also the risk of the thing lay on the purchaser

*Plaut. Pers.* iv. 3. 55. &c. Thus, *mancipium* and *usus* are distinguished: *Vitaque mancipio nulli datur*, in property or perpetuity, *omnibus usu*, *Lucret.* iii. 985. So *mancipium* and *fructus*, *Cic. Epist. Fam.* vii. 29, 30.

The *res MANCIPI*, were,—1. Farms either in town or country within Italy (*Prædia urbana et rustica in solo Italico*); or in the provinces, if any city or place had obtained the *jus Italicum*. Other farms in the provinces were called *possessiones*, not *prædia*\*; and because proprietors gave in an account of their families and fortunes to the censors, they were called *Prædia censui censendo*, *Cic. pro Flacc.* 32.—2. Slaves.—3. Quadrupeds, trained to work with back or neck (*dorso vel cervice domiti*); as horses, oxen, asses, mules; but not wild beasts, although tamed; as elephants, camels.—4. Pearls (*margaritæ*), *Plin.* ix. 35. s. 60.—5. The rights of country farms, called *servitutes* (SERVITUTES), *Ulpian*.

The *servitutes* of farms in the country were,—1. The right of going on foot through the farm of another (*ITER*);—2. Of driving a beast or waggon not loaded (*ACTUS*);—3. Of driving loaded waggons (*VIA*);—4. Of carrying water (*AQUÆDUCTUS*); either by canals or leaden pipes (*per canales v. fistulas plumbeas*), *Vitruv.* viii. 7.—The breadth of a *via*, when straight, was eight feet; at a turn (*in anfractum v. in flexu*), sixteen feet; the breadth of an *actus*, four feet; but the breadth of an *iter* is uncertain.

To these *servitutes* may be added, the drawing of water (*aquæ haustus*); the driving of cattle to water (*pecoris ad aquam appulsus*); the right of feeding; of making lime (*calcis coquendæ*); and of digging sand.

Those farms, which were not liable to any servitude, were called *PRÆDIA LIBERA*, *optimo jure v. conditione optimâ*; those which were (*quæ serviebant, servitutem debebant, vel servituti erant obnoxia*). *PRÆDIA SERVA*, *Cic. in Rull.* iii. 2.

Buildings in the city were called *PRÆDIA URBANA*, and were reckoned *res mancipi*, only by accession (*jure fundi*); for all buildings and lands were called *FUNDI*; but usually buildings in the city were called *Ædes*, in the country, *Villæ*. A place in the city without buildings, was called *AREA*; in the country, *AGER*. A field with buildings was properly called *FUNDUS*.

The *servitutes* of the *Prædia urbana*, were,—1. *Servitus ONERIS FERENDI*, when one was bound to support the house of another by his pillar or wall;—2. *Servitus TIGNI IMMITTENDI*, when one was bound to allow a neighbour to drive a beam, a stone, or iron into his wall; for *tignum* among lawyers signified all kind of materials for building.

Anciently, for fear of fire, it was ordered that there should be an interstice left between houses, of at least two feet and a half, which was called *AMBITUS* (*Festus*), or *ANGIPORTUS* [*Hor. Od.* i. 25. 10.] *vel -um*, and this was usually a thoroughfare, but sometimes not, *Ter. Adelph.* iv. 2. 39. For when Rome came to be crowded with

\* “Every landed estate is a *prædium*; but only one that is the property of the possessor, is called, in relation to him, *ager*: that which he occupies, but which neither is nor could be his property, is termed *possessio*. *Cic. adv. Rullum*, iii. 9. — *Nieb.* ii. p. 142.

houses, these interstices were only left between some houses. Nero, after the dreadful fire which happened in his time, restored the ancient mode of building houses distinct from one another, *Tacit. Ann.* xv. 43.

Houses which were not joined by common walls with the neighbouring houses, were called *INSULÆ*, *Festus*. Sometimes *domus* and *insula* are distinguished, *Suet. Ner.* 16. 38. where *domus* is supposed to signify the houses of the great, and *insula* those of the poorer citizens. But anciently this was not the case, rather the contrary; as, *Insula Clodii, Luculli, &c. Cic.* Under the emperors, any lodgings (*hospitia*), or houses to be let (*Ædes mercede locandæ, vel domus conductitiæ*), were called *insula*, and the inhabitants of them, *Inquilini* (tenants), or *Insularii*; which last name is also applied to those who were appointed to guard the *genii* of each *insula*. The proprietors of the *insula* were called *DOMINI INSULARUM*, *Suet. Jul.* 41. *Tib.* 48. vel *PRÆDIORUM*, *Plin. Ep.* x. 44, 45. and their agents *procuratores insularum*. For want of room in the city they were commonly raised to a great height by stories (*contignationibus v. tabulatis*), which were occupied by different families, and at a great rent, *Juvenal.* iii. 166. The upmost stories or garrets were called *cœnacula*. He who rented (*mercede conducebat*) an *insula*, or any part of it, was called *inquilinus*. Hence Catiline contemptuously calls Cicero, *Inquilinus civis urbis Romæ*, *Sallust. Cat.* 31.

There was also, — 3. *Servitus STILLICIDII ET FLUMINIS*, whereby one was obliged to let the water, which fell from his house, into the garden or area of his neighbour: or to receive the water which fell from his neighbour's house into his area. — 4. *Servitus CLOACÆ*, the right of conveying a private common sewer through the property of a neighbour into the *Cloaca maxima* built by Tarquin. — 5. *Servitus NON ALTIUS TOLLENDI*, whereby one was bound not to raise his house above a certain height: so as not to obstruct the prospect and lights of his neighbour. The height of houses was limited by law, under Augustus, to 70 feet, *Strab.* v. p. 162. *Suet. Aug.* 89. *Tacit. Ann.* xv. 43. — There was also a servitude, that one should not make new windows in his wall; *LUMINA UTI NUNC SUNT, ITA SINT*, *Cic. de Orat.* i. 39.

These servitudes of city properties, some annex to *res Mancipi*, and some to *res nec Mancipi*.

#### MODES OF ACQUIRING PROPERTY.

THE transferring of the property of the *res Mancipi*, (*ABALIENATIO*, vel *translatio dominii v. proprietatis*), was made by a certain act, called *MANCIPATIO*, or *MANCIPIUM*, (*Cic. Off.* iii. 16. *de Orat.* i. 39.) in which the same formalities were observed as in emancipating a son, only that it was done but once. This Cicero calls *translatio alteri nexu*, *Topic.* 5. s. 28. thus, *Dare Mancipio*, i. e. *ex forma vel lege Mancipii*, to convey the property of a thing in that manner: *accipere*, to receive it, *Plaut. Curc.* iv. 2. 8. *Trin.* ii. 4. 19. *Jurat*, — *se fore Mancipii tempus in omne tui*, devoted to you, *Ovid. Pont.* iv. 5. 39. *Sui Mancipii esse*, to be one's own master, to be subject to the dominion of no one, *Cic. ad Brut.* 16. So *Mancipare agrum alicui*, an estate to any one, *Plin. Ep.* vii. 18. *emancipare fundos*, to one's self of the property, and convey it to another, *Id.* x. 3.



Cicero commonly uses *mancipium* and *nexum* or *-us*, as of the same import: *pro Muren.* 2. *pro Flacc.* 32. *Cæcin.* 16. but sometimes he distinguishes them: as, *de Harusp.* 7. where *mancipium* implies complete property, and *nexus* only the right of obligation, as when one receives any thing by way of a pledge.\* Thus a creditor had his insolvent debtor *jure nexi*, but not *jure mancipii*, as he possessed his slave.

There were various other modes of acquiring legal property; as, 1. JURE CESSIO, or CESSIO IN JURE, *Cic. Top.* 5. when a person gave up his effects to any one before the prætor or president of a province, who adjudged them to the person who claimed them (*vindicanti addicebat*); which chiefly took place in the case of debtors, who, when they were insolvent, gave up their goods (*bona cedebant*) to their creditors.

2. USUCAPTIO vel USUCAPIO, *Cic. Cæcin.* 26. *Legg.* i. 21. and also *usûs auctoritas*, when one obtained the property of a thing, by possessing it for a certain time without interruption, according to the law of the twelve tables; for two years, if it was a farm or immovable, and for one year if the thing was movable: UT USUS AUCTORITAS, i. e. *jus dominii, quod usu paratur*, FUNDI BIENNIUM, CÆTERARUM RERUM ANNUUS USUS ESSET, *Plin. Ep.* v. 1. But this took place only among citizens. For ADVERSUS HOSTEM, i. e. *peregrinum*, ÆTERNA AUCTORITAS ERAT; SC. *alicujus rei*, *Cic. Off.* i. 12. i. e. *res semper vindicari poterat a peregrino, et nunquam usu capi*. Hence Cicero says, *Nihil mortales a diis usucapere possunt*. If there was any interruption in the possession, it was called USURPATIO, which, in country farms, seems to have been made by breaking off the shoot of a tree (*circulo defringendo*), *Cic. de Orat.* iii. 28. But afterwards a longer time was necessary to constitute prescription, especially in the provinces, namely, ten years among those who were present, and twenty years among those who were absent. Sometimes a length of time was required beyond remembrance. This new method of acquiring property by possession, was called LONGA POSSESSIONE CAPIO, or LONGÆ POSSESSIONIS PRÆROGATIVA, vel PRÆSCRIPTIO.

3. EMPTIO SUB CORONA, i. e. purchasing captives in war, who were sold with chaplets on their heads. See p. 32.

4. AUCTION, whereby things were exposed to public sale, (*hasta, v. vocis præconis subjiciebantur*), when, a spear being set up, and a public crier calling out the price (*præcone pretium proclamante*), the magistrate who was present adjudged them (*addicebat*) to the highest bidder, *Cic. Phil.* ii. 26. The person who bade, held up his finger (*digitum tollebat*), *Cic. Verr.* i. 54. *digito licitus est*, iii. 11.

The custom of setting up a spear at an auction seems to have been derived from this, that at first only those things which were taken in war were sold in that manner. Hence *hasta* is put for a public sale, and *sub hastâ venire*, to be publicly sold. [Juvenal. iii. 33. *præbere caput dominâ venale sub hastâ*.]

The day, sometimes the hour, and the terms of the auction, used

\* “*Mancipia* implies the actual transfers of property; *nexum*, the form where the ownership remains, but the thing is pledged.” — *Nieb.* i. p. 509.

to be advertised, either by a common crier, (*a præcone prædicari*, v. *conclamari*,) Plaut. Men. v. 9. 94. or in writing, *tabulâ proscribi*, Cic. Ep. ad Fratr. ii. 6. *Proscribebatur sc. domus seu quis emere, seu conducere vellet*, Plin. Ep. vii. 27. *Ædes venales inscribit literis*, Plaut. Trin. i. 2. 131. Hence *tabula* is put for the auction itself, *Ib.* — *Tabulam proscribere*, for *auctionem constituere*; *proscribere domum* v. *fundum*, to advertise for sale, Cic. And those whose goods were thus advertised were said *pendere*, Suet. Claud. 9. and also the goods *bona suspensa*; because the advertisement (*libellus* v. *tabella*) was affixed to a pillar (*pila* v. *columna*) in some public place, Senec. de Benef. iv. 12. So *tabulas auctionarias proferre* v. *tabulam*, to publish, Cic. Cat. ii. 8. Phil. ii. 29. *ad tabulam adesse*, to be present at the sale, pro Quinct. 6. Thus also *sub titulum nostros misit avara lares*, i. e. *domum*, forced me to expose my house to sale, Ovid. Remed. Amor. 302.

It behoved the auction to be made in public, Cic. *ib.* & *contra Rull.* i. 3. and there were courts in the Forum where auctions were made (ATRIA AUCTIONARIA), to which Juvenal is thought to allude, Sat. vii. 7. A money-broker (*argentarius*) was also present, who marked down what was bidden, and to whom the purchaser either paid down the price, or gave security for it, Cic. pro Cæcin. 6. Quinctil. xi. 2. The sale was sometimes deferred (*auctio proferebatur*), Cic. ad Atticum, xiii. 12. [See below, under head of Public Servants.]

The seller was called AUCTOR, and was said *vendere auctionem*, Cic. pro Quinct. 5. in the same manner as a general, when he sold the whole plunder of a city, was said *vendere sectionem*, Cæsar. de Bell. Gall. ii. 33. The right of property conveyed to the purchaser was called AUCTORITAS; and if that right was not complete, he was said *a malo auctore emere*, to buy from a person who had not a right to sell, Cic. in Verr. v. 22. Plaut. Curc. iv. 2. 12.

5. ADJUDICATIO, which properly took place only in three cases; in *familiâ herciscundâ*, vel *ercto ciundo*, i. e. *hæreditate dividendâ*, in dividing an inheritance among co-heirs, Cic. Orat. i. 58. Cæcin. 3. in *communi dividendo*, in dividing a joint stock among partners, Cic. Ep. vii. 12. in *finibus regundis*, in settling boundaries among neighbours, Cic. Legg. i. 21. when the judge determined any thing to any of the heirs, partners, or neighbours, of which they got immediate property; but arbiters were commonly appointed in settling bounds, Cic. Top. 10. Sometimes, however, things were said to be adjudged (*adjudicari*) to a person, which he obtained by the sentence of a judge from any cause whatever.

6. DONATIO. Donations which were made for some cause, were called MUNERA; as from a client or freedman to his patron, on occasion of a birth or marriage, Ter. Phorm. i. 1. 13. Those things which were given without any obligation, were called DONA; but these words are often confounded.

At first presents were but rarely given among the Romans; but afterwards, upon the increase of luxury, they became very frequent and costly. Clients and freedmen sent presents to their patrons, Plin. Ep. v. 14. slaves to their masters, citizens to the emperors and *trates*, friends and relations to one another, and that on various

occasions ; particularly on the Kalends of January, called STRENÆ, at the feasts of Saturn, and at public entertainments, APOPHORETA ; to guests, XENIA ; on birth-days, at marriages, &c. *Plin. & Martial. passim.*

Those things which were acquired by any of the above-mentioned methods, or by inheritance, by adoption (*arrogatione*), or by law, as a legacy, &c. were said to be IN DOMINIO QUIRITARIO, i. e. *justo et legitimo* : Other things were said to be IN BONIS, and the proprietors of them were called BONITARII, whose right was not so good as that of the DOMINI QUIRITARII, *qui optimo jure possidere dicebantur*, who were secure against lawsuits. But Justinian abolished these distinctions.

When a person had the use and enjoyment of a thing, but not the power or property of alienating, it was called USUSFRUCTUS, either in one word ; thus *Usumfructum omnium bonorum suorum Cæsenniae legat, ut frueretur unà cum filio*, Cic. Cæcin. 4. ; or in two ; as, *Usus enim ejus et fructus fundi testamenta viri fuerat Cæsenniae*, Ib. 7. and the person FRUCTUARIUS, or USUFRUCTUARIUS.\*

## 6. THE RIGHT OF TESTAMENT AND INHERITANCE.

NONE but Roman citizens (*sui juris*) could make a will, or be witnesses to a testament, or inherit any thing by testament, Cic. *pro Arch.* 5. *Dom.* 32. [The wills of minors were valid.]

Anciently testaments used to be made at the *Comitia Curiata*, which were in that case properly called *Calata*, Gell. xv. 27.

The testament of a soldier just about to engage, was said to be made IN PROCINCTU, when in the camp, while he was *girding himself*, or preparing for battle, in presence of his fellow-soldiers, without writing, he named his heir (*nunoupavit*), Cic. *de Nat. D.* ii. 3. *de Orat.* i. 53. So, *in procinctu carmina facta*, written by Ovid at *Tomi*, where he was in continual danger of an attack from the Getæ, *Pont.* i. 8. 10.†

But the usual method of making a will, after the laws of the twelve tables were enacted, was PER ÆS ET LIBRAM, or *per familiæ emptionem*, as it was called ; wherein before five witnesses, a *libripens* and an *antestatus*, the testator, by an imaginary sale, disposed of his

\* “ *Usus* was the occupation, for which an individual rendered a stated due, *fructus*. In this sense Lucretius says : *Vitaque mancipio nulli datur, omnibus usu*, (for *usui*.) Life belongs to the common stock of nature ; she withdraws it from the possessor at her pleasure ; it never becomes his property. *Mancipium* was the old word for property ; *usus*, according to its most ancient meaning, was the act of possessing ; *possessio*, the object possessed : hence *usu capere*.” — *Nieb.* ii. p. 137.

† By the laws of Rome, a son, during the life of his father, could not dispose of his effects by will. Soldiers were excepted, but this exception only related to what they got by their military services (*peculium castrense*.)

“ *Solis præterea testandi militibus jus Vivo patre datur : nam quæ sunt parta labore Militiæ, placuit non esse in corpore census, Omne tenet cujus regimen pater.*” — *Juv. Sat.* xvi. 51.

Their *peculium castrense* was not looked upon as a part of their private fortune (in *corpore census*), over the whole of which the father had a power, so that they could not dispose of it by will during his lifetime.



family and fortunes to one who was called **FAMILIÆ EMPTOR**, who was not the heir, as some have thought, *Suet. Ner.* 4. but only admitted for the sake of form (*dicis causâ*), that the testator might seem to have alienated his effects in his lifetime. This act was called **FAMILIÆ MANCIPATIO**; which being finished in due form, the testator, holding the testament in his hand, said **HÆC, UTI IN HIS TABULIS CERISVE SCRIPTA SUNT, ITA DO, ITA LEGO, ITA TESTOR, ITAQUE VOS, QUIRITES, TESTIMONIUM PRÆBETOTE.** Upon which, as was usual in like cases, he gently touched the tip of the ears of the witnesses (*auriculâ tactâ antestabatur, quòd in imâ aure memoriæ locus erat*, *Plin.* xi. 45.); this act was called **NUNCUPATIO TESTAMENTI**, *Plin. Ep.* viii. 18. Hence *nuncupare hæredem*, for *nominare, scribere, or facere*, *Suet. & Plin.* passim. But sometimes this word signifies, to name one's heir *vivâ voce*, without writing; as Horace just before his death is said to have named Augustus. For the above-mentioned formalities were not always observed, especially in later times. It was reckoned sufficient if one subscribed his will, or even named his heir *vivâ voce*, before seven witnesses. Something similar to this seems to have prevailed anciently, *Cic. Verr.* i. 45. whence an edict about that matter is called by Cicero, **VETUS et TRANSLATICIUM**, as being usual, *Ib.* 44.

Sometimes the testator wrote his will wholly with his own hand, in which case it was called *hologrâphum*. Sometimes it was written by a friend or by others, *Plin. Epist.* vi. 26. Thus the testament of Augustus was partly written by himself, and partly by two of his freedmen, *Suet. Aug.* 102. Lawyers were usually employed in writing or drawing up wills, *Cic. de Orat.* ii. 6. *Suet. Ner.* 32. But it was ordained under Claudius or Nero, that the writer of another's testament (called by lawyers *testamentarius*) should not mark down any legacy for himself, *Suet. Ner.* 17. When a testament was written by another, the testator wrote below, that he had dictated and read it over (**SE ID DICTASSE ET RECOGNOVISSE**). Testaments were usually written on tables covered over with wax, because in them a person could most easily erase what he wished to alter, *Quintilian.* x. 3. 31. Hence **CERÆ** is put for *tabulæ ceratæ* or *tabulæ testamenti*, *Juvenal.* i. 63. *Martial.* iv. 70. **PRIMA CERA**, for *prima pars tabulæ*, the first part of the will, *Horat. Sat.* ii. 5. 53. and **CERA EXTREMA**, or *ima*, for the last part, *Cic. Verr.* i. 36. *Suet. Cæs.* 83. But testaments were called **TABULÆ**, although written on paper or parchment, *Ulpian.*

Testaments were always subscribed by the testator, and usually by the witnesses, and sealed with their seals or rings (*signis eorum obsignabantur*), *Cic. pro Cluent.* 13. 14. and also with the seals of others, *Cic. Att.* vii. 2. *Suet. Tib. c. ult.* *Plin. Ep.* ix. 1. They were likewise tied with a thread. Hence *nec mea subjectâ convicta est gemma tabellâ Mendacem linis imposuisse notam*, Nor is my ring, i. e. nor am I convicted of having affixed a false mark or seal, to the thread on a forged deed or will, *Ovid. Pont.* ii. 9. 69. It was ordained that the thread should be thrice drawn through holes, and sealed, *Suet. Ner.* 17.

The testator might unseal (*resignare*) his will, if he wished to alter or revise it (*mutare vel recognoscere*). Sometimes he cancelled it

altogether ; sometimes he only erased (*inducebat* v. *delebat*) one or two names.

Testaments, like all other civil deeds, were always written in Latin. A legacy expressed in Greek was not valid, *Ulpian. Fragm. xxv. 9.*

There used to be several copies of the same testament. Thus Tiberius made two copies of his will, the one written by himself, and the other by one of his freedmen, *Suet. Tib. c. ult.*

Testaments were deposited, either privately in the hands of a friend, or in a temple with the keeper of it (*apud Ædium*). Thus Julius Cæsar is said to have intrusted his testament to the eldest of the Vestal Virgins, *Suet. Jul. 83.*

In the first part of a will, the heir or heirs were written thus: *TITUS MIHI HÆRES ESTO*, *sit* v. *erit*; or thus, *TITUM HÆREDEM ESSE JUBEO*, vel *volo*; also, *hæredem facio*, *scribo*, *instituo*. If there were several heirs, their different portions were marked. If a person had no children of his own, he assumed others, not only to inherit his fortune, but also to bear his name (*nomen suum ferre*), as Julius Cæsar did Augustus (*in familiam nomenque adoptavit, adscivit*, *Suet. Assumpsit*, *Plin.*)

If the heir or heirs who were first appointed (*instituti*) did not choose to accept, (*hæreditatem adire*, v. *cernere nollent*), or died under the age of puberty, others were substituted in their room, called *HÆREDES SECUNDI*; *secundo loco* v. *gradu scripti* v. *substituti*, *Cic. pro Cluent. 11.* *Horat. Sat. ii. 5. 45.* *Suet. Jul. 83.*

A corporate city (*respublica*) could neither inherit an estate, nor receive a legacy, *Plin. Ep. v. 7.*; but this was afterwards changed.

A man might disinherit (*exhæredare*) his own children, one or all of them, and appoint what other persons he pleased to be his heirs; thus, *TITUS FILIUS MEUS EXHÆRES ESTO*, *Plin. Ep. v. 1.* Hence *Juvenal. Sat. x. 236. Codice sævo hæredes vetat esse suos.* Sometimes the cause (*ELOGIUM*, i. e. *causa exhæredationis*) was added, *Cic. pro Cluent. 48. Quinctilian. vii. 4. 20. decl. 2.* A testament of this kind was called *INOFFICIOSUM*, and when the children raised an action for rescinding it, it was said to be done *per querelam INOFFICIOSI*.

Sometimes a man left his fortune in trust (*fidei committebat*) to a friend on certain conditions, particularly that he should give it up (*ut restitueret* v. *redderet*) to some person or persons. Whatever was left in this manner, whether the whole estate, or any one thing, as a farm, &c., was called *FIDEICOMMISSUM*, a trust; and a person to whom it was thus left, was called *HÆRES FIDUCIARIUS*, who might either be a citizen or a foreigner, *l. 8. § 4. D. de acceptil.*

A testament of this kind was expressed in the form of request or entreaty (*verbis precativis*); thus, *ROGO*, *PETO*, *VOLO*, *MANDO*, *FIDEI TUÆ COMMITTO*, *Ter. And. ii. 5.*; and not by way of command (*verbis imperativis*), as all testaments were, and might be written in any language.

In the last part of the will (*in tabulis secundis*), tutors were appointed for one's children, and legacies (*legata*) left to legatees (*legatariis*) all in direct and commanding words: Thus, *TUTOR ESTO*, vel *TUTORES SUNTO*: *TUTOREM* v. *-ES DO*, *Cic. Ep. xiii. 61. Plin. Ep. ii. 1.* And to their protection the testator recommended his children, *Ovid. Trist. iii. Eleg. 14.*

Legacies were left in four different ways, which lawyers have distinguished by the following names.—1. *Per VINDICATIONEM*; thus, *Do, LEGO*; also, *CAPITO, SUMITO, v. HABETO*, to which Virgil alludes, *Æn. v. 533*. This form was so called from the mode of claiming property, *Cic. pro Muren. 12*.—2. *Per DAMNATIONEM*; thus, *HÆRES MEUS, DAMNAS ESTO DARE, &c.* *Let my heir be bound, &c. Quinctil. viii. 9. 9.*; and so in the plural, *DAMNAS SUNTO*. By this form the testator was said *damnare hæredem*, to bind his heir. Hence *damnare aliquem votis*, Virgil. *Æn. v. 80. Civitas damnata voti*, bound to perform, *Liv. v. 25*. But it was otherwise expressed thus, *HÆRES MEUS DATO, FACITO; HÆREDEM MEUM DARE JUBEO*.—3. *SINENDI modo*; thus, *HÆRES MEUS SINITO, vel DAMNAS ESTO SINERE LUCIUM TITIUM SUMERE ILLAM REM, v. SIBI HABERE*.—4. *Per PRÆCEPTIONEM*; thus, *L. TITIUS ILLAM REM PRÆCIPITO, E MEDIO, vel E MEDIA HÆREDITATE SUMITO, SIBIQUE HABETO, vel Præcipiat, &c.* when any thing was left to any person, which he was to get before the inheritance was divided, or when any thing particular was left to any one of the co-heirs besides his own share, to which Virgil alludes, *Æn. ix. 271*. Hence *PRÆCIPERE*, to receive in preference to others; and *PRÆCEPTIO*, a certain legacy to be paid out of the first part of the fortune of the deceased, *Plin. Ep. v. 7.* as certain creditors had a privilege to be preferred to others, (*PROTOPRAXIA, i. e. privilegium quo cæteris creditoribus præponantur,*) *Id. x. 109, 110*.

When additions were made to a will, they were called *CODICILLI*. They were expressed in the form of a letter addressed to the heirs, sometimes also to trustees (*ad fideicommissarios*). It behoved them however to be confirmed by the testament, *Plin. Ep. ii. 16.\**

After the death of the testator, his will was opened, *Horat. Ep. i. 7.* in presence of the witnesses who had sealed it (*coram signatoribus*), or a majority of them, *Suet. Tib. 23*. And if they were absent or dead, a copy of the will was taken in presence of other respectable persons, and the authentic testament was laid up in the public archives, that if the copy were lost another might be taken from it (*esset unde peti posset*). Horace ridicules a miser who ordered his heirs to inscribe on his tomb the sum he left, *Sat. ii. 3. 84*.

It was esteemed honourable to be named in the testament of a friend or relation, and considered as a mark of disrespect to be passed over, *Cic. pro Domo, 19. 32. pro Sext. 52. Phil. ii. 16. Suet. Aug. 66*.

It was usually required by the testament, that the heir should

\* “ A person might leave several codicils; whereas no *pagan*, that is, no person who was not a soldier, could leave more testaments than one. It was essential to the character of a testament that it should institute an heir; but a codicil was in all cases incompetent for that purpose, and could only bequeath legacies and trusts: it therefore could not disinherit one heir and substitute another. As the law stood in the age of Caius, a legacy bequeathed by a codicil, and not ratified by a testament, was null and void. The notion of Dr Adam, that a codicil must succeed a testament, and that it must nevertheless be confirmed by a testament, cannot very easily be comprehended; but the statement of Pliny, when properly understood, is easily reconciled to the doctrine of the civilians. The individual whom he mentions had first made a codicil, and afterwards a testament, and had neglected to confirm in the one a legacy which had been bequeathed in the other; a direct bequest could not be made effectually in this manner; but Pliny expresses his determination to take no advantage of the legal informality.” — *Encyc. Britann. art. Civil Law*.

enter upon the inheritance within a certain time, in 60 or 100 days at most, *Cic. ad Att. xiii. 46. de Orat. i. 22. Plin. Ep. x. 79.\** This act was called HÆREDITATIS CRETIO, (*hæres cùm constituit se hæredem esse, dicitur* CERNERE, *Varr. L. L. vi. 5.*) and was performed before witnesses in these words: CUM ME MÆVIUS HÆREDEM INSTITUERIT, EAM HÆREDITATEM CERNO ADEOQUE. After saying which (*dictis cretionis verbis*), the heir was said HÆREDITATEM ADISSE. But when this formality (CRETIONIS SOLEMNITAS) was not required, one became heir by acting as such (*pro hærede* SE GERENDO vel GESTIONE), although he might also, if he chose, observe the solemn form.

If the father or grandfather succeeded, they were called *hæredes ASCENDENTES*; if, as was natural, the children or grandchildren, DESCENDENTES; if brothers or sisters, COLLATERALES.

If any one died without making a will (*intestatus*), his goods devolved on his nearest relations; first to his children; failing them to his nearest relations by the father's side (*agnatis*), and failing them to those of the same gens (*gentilibus*). At Nice, the community claimed the estate of every citizen who died intestate, *Plin. Ep. x. 88.*

The inheritance was commonly divided into twelve parts, called *uncia*. The whole was called AS. Hence *hæres ex asse*, heir to one's whole fortune; *hæres ex semisse, ex triente, dodrante, &c.* to the half, third, three fourths, &c.

The UNCIA was also divided into parts; the half SEMUNCIA, the third DUELLA, or *binæ sextulæ*, the fourth SICILICUM, v. -us, the sixth SEXTULA, *Cic. pro Cæcin. 6.*

## 7. THE RIGHT OF TUTELAGE OR WARDSHIP.

ANY father of a family might leave whom he pleased as guardians (*tutores*) to his children, *Liv. i. 34.* But if he died intestate, this charge devolved by law on the nearest relation by the father's side. Hence it was called TUTELA LEGITIMA. This law is generally blamed, as in later times it gave occasion to many frauds in prejudice of wards (*pupilli*), *Horat. Sat. ii. 5. Juvenal. Sat. vi. 38.†*

When there was no guardian by testament, nor a legal one, then a guardian was appointed to minors and to women by the prætor, and the majority of the tribunes of the people, by the *Atilian* law, made A. U. 443. But this law was afterwards changed.

Among the ancient Romans, women could not transact any private business of importance, without the concurrence of their parents, husbands, or guardians, *Liv. xxxiv. 2. Cic. Flacc. 34, 35.*; and a husband at his death might appoint a guardian to his wife, as to his daughter, or leave her the choice of her own guardians, *Liv. xxxix. 19.* Women, however, seem sometimes to have acted as guardians, *Liv. xxxix. 9.*

If any guardian did not discharge his duty properly, or defrauded

\* A legacy of movable goods was due ten months after the death of the testator.

† "Orbæ eloquentiæ quasi tutores relictæ domi teneamus eam septam liberali custodiâ. *Cic. Brut. 96.*" — T.

his pupil, there was an action against him (*judicium tutelæ*), Cic. pro Q. Rosc. 6. Orat. i. 36. Cæcin. 3.

Under the Emperors guardians were obliged to give security (*satisdâre*) for their proper conduct (*REM PUPILLI FORE SALVAM*), *Digest*. A signal instance of punishment inflicted on a perfidious guardian is recorded, *Suet. Galb.* 9.\*

## II. PUBLIC RIGHTS OF ROMAN CITIZENS.

THESE were *Jus Censûs, Militiæ, Tributorum, Suffragii, Honorum, et Sacrorum*.

I. JUS CENSUS. The right of being enrolled in the censor's books. This will be treated of in another place.

II. JUS MILITIÆ. The right of serving in the army. At first none but citizens were enlisted, and not even those of the lowest class. But in aftertimes this was altered; and under the emperors soldiers were taken, not only from Italy and the provinces, but also at last from barbarous nations, *Zosim.* iv. 30, 31.

III. JUS TRIBUTORUM. TRIBUTUM properly was money publicly imposed on the people [the *plebs*], which was exacted from each individual through the tribes in proportion to the valuation of his estate (*pro portione censûs*).† Money publicly exacted on any other account, or in any other manner, was called VECTIGAL, *Varro de Ling. Lat.* iv. 36. But these words are not always distinguished.

There were three kinds of tribute; one imposed equally on each person (*in capita*), which took place under the first kings, *Dionys.* iv. 43. ‡; another according to the valuation of their estate (*ex censu*), *Liv.* i. 43. iv. 60. *Dionys.* iv. 8. 19.; and a third, which was extraordinary, and demanded only in cases of necessity, and therefore depending on no rule (*temerarium*, Festus).§ It was in many instances also voluntary, *Liv.* xxvi. 36., and an account of it was taken, that when the treasury was again enriched, it might be repaid, as was done after the second Punic war, *Id.*

\* "Majority commenced by law at twenty-five; but an imperial licence might set free from curatorial restraint a man at twenty, and a woman at eighteen." — *Blair*, p. 92.

† "Livy reverses this, saying, *tribus appellatæ a tributo*, i. 43. The tax was levied according to the tribes, *Dionys.* iv. 14." — *Nieb.* i. p. 407.

‡ This, Niebuhr, i. p. 407—411., considers to have been that imposed on the ærarians, i. e. all not included in the tribes, and not bound to military service; viz. the women and children, the clients, citizens of confederate states, who settled at Rome, freedmen, and those degraded from their tribe, as Mam. Æmilius, *Liv.* iv. 24.

§ During the civil wars, which followed on the death of Cæsar, through the necessity of the times, and the exhausted state of the public treasury, the tribute was revived, for the purpose of raising money sufficient to make good the promises that had been made to the troops, Cic. *Ep. Fam.* xii. 30. Cicero intimates, that there was a general aversion to its revival; and also that it might have been obviated, had not Antony obtained fraudulent possession of the immense wealth of Cæsar, 2 *Phil.* 37.

After the expulsion of the kings, the poor were for some time freed from the burden of taxes, until the year 349, when the senate decreed, that pay should be given from the treasury to the common people in the army, who had hitherto served at their own expense; whereupon all were forced to contribute annually, according to their fortune, for the pay of the soldiers, *Liv.* iv. 59, 60.

In the year of the city 586 annual tributes were remitted, on account of the immense sums brought into the treasury by M. Paulus Æmilius, after the defeat of Perseus, *Cic. Offic.* ii. 22. and this immunity from taxes continued, according to Plutarch, down to the consulship of Hirtius and Pansa.

The other taxes (VECTIGALIA) were of three kinds, *Portorium*, *Decumæ*, and *Scriptura*.

1. PORTORIUM was money paid at the port for goods imported and exported, the collectors of which were called PORTITORES; or for carrying goods over a bridge, where every carriage paid a certain sum to the exacter of the toll, *Digest.* Vid. *Cæs. B. G.* I. 18. et III. 1. The *portoria* were remitted A. U. 692, the year in which Pompey triumphed over Mithridates, *Dio.* 37. 51. *Cic. Att.* ii. 16., but were afterwards imposed on foreign merchandise by Cæsar, *Suet. Jul.* 43.

2. DECUMÆ, Tithes, were the tenth part of corn, and the fifth part of other fruits, which were exacted from those who tilled the public lands, either in Italy or without it.\* Those who farmed the tithes were called DECUMANI, and esteemed the most honourable of the publicans or farmers general, as agriculture was esteemed the most honourable way of making a fortune among the Romans, *Cic. Verr.* ii. 13. iii. 8. The ground from which tithes were paid was also called DECUMANUS, *Cic. Verr.* iii. 6.† But these lands were all sold or distributed among the citizens at different times, and the land of Capua the last, by Cæsar, *Suet. Jul.* 23. *Cic. Att.* ii. 16.

3. SCRIPTURA was the tax paid from public pastures and woods; so called, because those who wished to feed their cattle there, subscribed their names before the farmer of them (*coram pecuario vel scriptuario*), Varro de Re Rusticâ, ii. 16. and paid a certain sum for each beast; *Festus* in SCRIPTUARIUS AGER, as was likewise done in all the tithe-lands (*in agris decumanis*), *Cic. Verr.* iii. 52. *Plaut. Truc.* i. 2. 44.

All those taxes were let publicly by the censors at Rome (*locabantur sub hastâ*), *Cic. Rull.* i. 3. Those who farmed them (*redimebant v. conducebant*) were called PUBLICANI or MANCIPES, *Cic. pro Domo*, 10. They also gave securities to the people (PRÆDES), and had partners who shared the profit and loss with them (SOCII).

\* "Plantations and vineyards might fairly be subjected to a higher rate, as they require no seed, and less labour; hence the Roman people received two tenths from them: and so, perhaps, on the same ground did they of the young, the cheese, and the wool, of cattle kept on the common pastures, before an agistment was introduced." — *Nieb.* ii. p. 137.

† "Tacitus (*de Mor. Germ.* xxix. qui decumates agros exercent) opens out a new field again." — T. Brotier explains the expression thus: — "Agri illi decumates inde dicti videntur, quod incolæ, Germanorum incursionibus obnoxii, ut in Romanorum fidem reciperentur, proventum decimam solverint."



There was long a tax upon salt. In the second year after the expulsion of Tarquin, it was ordained that salt should not be sold by private persons, but should be furnished at a lower rate by the public, *Liv.* ii. 9. A new tax was imposed on salt in the second Punic war, at the suggestion of the censors Claudius Nero and Livius, chiefly the latter, who hence got the surname of *Salinator*, *Liv.* xxix. 37. But this tax was also dropped, although it is uncertain at what time.

There was another tax, which continued longer, called VICESIMA, i. e. the twentieth part of the value of any slave who was freed, *Cic. Att.* ii. 16. It was imposed by a law of the people assembled by tribes, and confirmed by the senate [A. U. 396.] What was singular, the law was passed in the camp, *Liv.* vii. 16. The money raised from this tax (*aurum vicesimarium*) used to be kept for the last exigencies of the state, *Liv.* xxvii. 10.\*

Various other taxes were invented by the emperors; as the hundredth part of things to be sold (*centesima*, *Tacit. Ann.* i. 78.), the twenty-fifth of slaves (*vigesima quinta mancipiorum*), and the twentieth of inheritances (*vigesima hæreditatum*), by Augustus, *Suet. Aug.* 49. *Dio.* lv. 25., a tax on eatables (*pro eduliis*), [also on porters and courtezans], by Caligula, *Suet.* 40., and even on urine, by Vespasian, *Suet.* 23, &c.

IV. JUS SUFFRAGII, the right of voting in the different assemblies of the people.

V. JUS HONORUM, the right of bearing public offices in the state. These were either priesthoods or magistracies (*sacerdotia et magistratus*), which at first were conferred only on Patricians, but afterwards were all, except a few, shared with the Plebeians.

VI. JUS SACRORUM. Sacred rites were either public or private. The public were those performed at the public expense: the private were those which every one privately observed at home. The *Vestal Virgins* preserved the public hearth of the city; the *curiones*, with their *curiales*, kept the hearths of the thirty curiæ; the priests of each village kept the fires of each village (*Pagorum*). And because, upon the public establishment of Christianity in the empire, [A. D. 311] when, by the decrees of Constantine and his sons, the profane worship of the gods was prohibited in cities, and their temples shut, those who were attached to the old superstition fled to the country, and secretly performed their former sacred rites in the villages; hence PAGANS came to be used for Heathens, (*ἔθνη*, *Gentiles*), or for those who were *not Christians*; as anciently among the Romans those were called PAGANI who were not soldiers, *Juvenal.* xvi. 32. *Suet. Galb.* 19. *Plin. Ep.* vii. 25. Thus, *Pagani et Montani*, are called *Plebes Urbana* by Cicero, because they were ranked among the city tribes, although they lived in the villages and mountains, *pro Domo*, 28.

Each *gens* had certain sacred rites peculiar to itself (*gentilitia*, *Liv.* v. 52.), which they did not intermit even in the heat of a war,

\* It was first applied in the year of the city 544, during the second Punic war. It then amounted to 4000 pounds weight of gold.

*Liv. v. 46.* Every father of a family had his own household gods, whom he worshipped privately at home,

Those who came from the free towns, and settled at Rome, retained their municipal sacred rites, and the colonies retained the sacred rites of the Roman people.

No new or foreign gods could be adopted by the Romans, unless by public authority. Thus Æsculapius was publicly sent for from Epidaurus, and Cybèle from Phrygia, *Liv. xxix. 11, 12.* Hence, if any one had introduced foreign rites of himself, they were publicly condemned by the senate, *Liv. iv. 30. xxv. 1. xxxix. 16.* But under the emperors all the superstition of foreign nations flocked to Rome; as the sacred rites of Isis, Serāpis, and Anūbis from Egypt, &c.

These were the private and public rights of Roman citizens. It was a maxim among the Romans, that no one could be a citizen of Rome, who suffered himself to be made a citizen of any other city, *Cic. pro Cæcin. 36. Nepos in Vita Attici, 3.* which was not the case in Greece, *Cic. pro Arch. 5. Balb. 12.* And no one could lose the freedom of the city against his will, *Cic. pro Dom. 29, 30. pro Cæcin. 33.* If the rights of a citizen were taken from any one, either by way of punishment, or for any other cause, some fiction always took place. Thus, when citizens were banished, they did not expel them by force, but their goods were confiscated, and themselves were forbidden the use of fire and water (*iis igne et aqua interdictum est*), which obliged them to repair to some foreign place. Augustus added to this form of banishment what was called DEPORTATIO, whereby the condemned, being deprived of their rights and fortunes, were conveyed to a certain place, without leaving it to their own choice to go where they pleased.

When any one was sent away to any place, without being deprived of his rights and fortunes, it was called RELEGATIO. Thus Ovid, *Trist. ii. 137. v. 11. 21.*

So, captives in war did not properly lose the rights of citizens. Those rights were only suspended, and might be recovered, as it was called, *jure postliminii*, by the right of restoration or return, *Cic. Top. 8. de Orat. i. 40.*

In like manner, if any foreigner, who had got the freedom of Rome, returned to his native city, and again became a citizen of it, he ceased to be a Roman citizen, *Cic. pro Balb. 12.* This was called *postliminium*, with regard to his own country, and *rejectio civitatis* with regard to Rome.

Any loss of liberty, or of the rights of citizens, was called DIMINUTIO CAPITIS, *Cic. pro Mil. 36. jus libertatis imminutum*, Sallust. Cat. 37. Hence *Capitis minor*, sc. *ratione vel respectu*, or *capite diminutus*, lessened in his state, or degraded from the rank of a citizen, *Horat. Od. iii. 5. 42.* The loss of liberty, which included the loss of the city, and of one's family, was called *diminutio capitis maxima*; banishment, *diminutio media*; any change of family, *minima*, Digest. ii. de capite minutis.



## JUS LATII.

THE JUS LATII or LATINITAS, *Suet. Aug.* 47. *Cic. Att.* xiv. 12. was next to the *jus civitatis*.

Latium anciently (*Latium Vetus*) was bounded by the rivers Tiber, Anio, Ufens, and the Tuscan sea. It contained the Albans, Rutuli, and Æqui. It was afterwards extended (*Latium Novum*) to the river Liris, and comprehended the Osci, Ausones, and Volsci, *Plin.* iii. 9. The inhabitants of Latium were called LATINI SOCII, NOMEN LATINUM, ET SOCII LATINI NOMINIS, &c. *Socii et Latinum nomen*, means the Italians and Latins.

The JUS LATII was inferior to the *jus civitatis*, and superior to the *jus Italicum*. But the precise difference is not ascertained.

The Latins used their own laws, and were not subject to the edicts of the Roman prætor. They were permitted to adopt some of the Roman laws, if they chose it, and then they were called POPULI FUNDI, *Cic. pro Balb.* 8. If any state did not choose it, it was said EI LEGI, v. *de ea lege* FUNDUS FIERI NOLLE, i. e. *auctor, subscriptor esse*, v. *eam probare et recipere*, *Ib.*

The Latins were not enrolled at Rome, but in their own cities, *Liv.* xli. 9. They might be called to Rome, to give their votes about any thing, *Liv.* xxv. 3. But then they were not included in a certain tribe, and used to cast lots to know in what tribe they should vote, *Ibid.*; and when the consuls chose, they ordered them by a decree of the senate to leave the city, *Cic. Brut.* 26., which however rarely happened, *Cic. pro Sertio*, 15.

Such Latins as had borne a civil office in their own state, became citizens of Rome, *Appian. de Bell. Civ.* ii. p. 443.; but could not enjoy honours before the *lex Julia* was made, *Liv.* viii. 4. xxiii. 22., by which law the right of voting and of enjoying honours was granted to those who had continued faithful to Rome in the Social war, A. U. 663; which the Latins had done.\* The distinction, however, betwixt the *jus Latii* and the *jus civitatis*, and the same mode of acquiring the full right of citizenship (*per Latium in civitatem veniendi*), was still retained, *Plin. Paneg.* 37. 39. *Strab.* iv. p. 186.

The Latins at first were not allowed the use of arms for their own defence, without the order of the people, *Liv.* ii. 30. iii. 19.; but afterwards they served as allies in the Roman army, and indeed constituted the principal part of its strength. They sometimes furnished two thirds of the cavalry, and also of the infantry, *Liv.* iii. 22. xxi. 17. *et alibi passim*. But they were not embodied in the legions, and were treated with more severity than Roman citizens, being punished with stripes, from which citizens were exempted by the Portian law, *Sallust. Jug.* 69.

\* That the allies, after the termination of the social war, might have little sway in the *comitia*, the senate would not distribute them in the old thirty-five tribes, but created for them eight new tribes; ordering that these should give their suffrages the last, so that they seldom came to vote at all; which afterwards occasioned great disturbances in the republic.

The same year another law was enacted, conferring the freedom of Rome on all foreigners who were free of the cities allied to the republic by league, provided they had at that time a habitation in Italy, and gave their names in to the Roman prætors within sixty days after the promulgation of the law.

The Latins had certain sacred rites in common with Roman citizens; as the sacred rites of Diana at Rome (instituted by Servius Tullius, *Liv.* 1. 45., in imitation of the *Amphictyōnes* at Delphi, and of the Grecian states in Asia in the temple of Diana at Ephesus, *Dionys.* iv. 26.), and the Latin holidays kept with great solemnity on the Alban Mountain [before the temple of Jupiter Latiaris] \*, first for one day, the 27th of April, and afterwards for several days. The Romans always presided at the sacrifices, *Liv.* xxi. c. ult. xxii. i. *Dionys.* iv. 49. Besides these, the Latins had certain sacred rites and deities peculiar to themselves, which they worshipped; as Feronia at Terracina, Jupiter at Lanuvium, *Liv.* xxxii. 9.

They had also solemn assemblies in the grove of Ferentina, *Liv.* i. 50. which appear in ancient times to have been employed for political as well as religious purposes. From this convention all those were excluded who did not enjoy the *jus Latii*. †

### JUS ITALICUM.

ALL the country between the Tuscan and Hadriatic seas, to the rivers Rubicon and Macra, except Latium, was called Italy. ‡ The states of Italy, being subdued by the Romans in different wars, were received into alliance on different conditions. In many respects they were in the same state with the Latins. They enjoyed their own laws and magistrates, and were not subject to the Roman Prætor. They were taxed (*censi*) in their own cities, and furnished a certain number of soldiers, according to treaty. But they had no access to the freedom of Rome, and no participation of sacred rites.

\* “The proper name of this festival was *Latiar*, *Macrob. Sat.* i. 16.” — *Nieb.* ii. p. 33.

† “After the Julian law, there were no Latin colonies, till, a year later, a new *Latium* was introduced. The country on the north of the Po had become filled with a mixed population, speaking Latin, and composed of Italians and natives, who had changed their Celtic character: towns were still faithful, but were bringing forward pretensions: therefore, by a law of the consul Cn. Pompeius Strabo, they were raised to the rank of Latin colonies, though no colonists were sent to them. The peculiarity of this franchise was, that persons who filled magistracies and offices of honour in such town thereby acquired the Roman franchise, and they alone: Comum and Nemausus are expressly mentioned, as colonies with this privilege. From this time forth many towns and cantons were raised to this degree, which, compared with the old Latin franchise, was termed, and with great propriety, the *Lesser Latium*.” — *Nieb.* ii. p. 78.

‡ “Italy originally was the peninsula, which is bounded by the isthmus, only twenty miles in breadth, between the Scylletic and Napetine gulf; the southernmost part of what was afterwards called Bruttium. This is on the authority of Antiochus of Syracuse, the contemporary of Herodotus, or probably younger, for he closed his Sicilian history with the year 331 — *Ol.* 89. 2. For his own days he drew the limits of Italia by a line from Metapontum to the river Laos, which afterwards separated Lucania from Bruttium. Tarentum he places out of Italia, in Iapygia: in the same manner as Thucydides, who wrote about the year 350, separates Iapygia from Italia. Theophrastus distinguishes Latium from Italy, in his *History of Plants*, which must have been published after the death of Cassander, *Ol.* 120. 3. 454. In the time of Timæus, who wrote about 480, Italy seems, though not with any precisely defined boundary, to have stretched about as far as to the Tiber and Picenum. Half a century before the Marsic war, about 615, Polybius uses the name of Italy in the widest extent, as reaching to the Alps, comprising Cisalpine Gaul and Venetia, only perhaps leaving out the Italian half of Liguria. — *Nieb.* i. pp. 13. *sqq.*

After the second Punic war, several of the Italian states, for having revolted to Hannibal, were reduced to a harder condition by the dictator Sulpicius Galba, A. U. 550; especially the *Brutii*, *Picentini*, and *Lucani*, who were no longer treated as allies, and did not furnish soldiers, but public slaves, *A. Gell.* x. 3. Capua, which a little before had been taken, lost its public buildings and territory, *Liv.* xxiv. 16. But after a long and violent struggle in the Social, or Marsic war, all the Italians obtained the right of voting and of enjoying honours, by the Julian and other laws. Sulla abridged these privileges to those who had favoured the opposite party; but this was of short continuance, *Cic. pro Domo*, 30. Augustus made various changes. He ordered the votes of the Italians to be taken at home, and sent to Rome on the day of the comitia, *Suet. Aug.* 46. He also granted them an exemption from furnishing soldiers, *Herodian.* ii. 11.

The distinction of the *jus Latii* and *Italicum*, however, still continued, and these rights were granted to various cities and states out of Italy, *Plin.* iii. 3, 4. In consequence of which, farms in those places were said to be IN SOLO ITALICO, as well as those in Italy, and were called PRÆDIA CENSUI CENSENDO (*quod in censum referri poterant, utpote res Mancipi, quæ venire emique poterant jure civili*), *Cic. pro Flacc.* 32., and said to be *in corpore censûs*, i. e. to constitute part of that estate, according to the valuation of which in the censor's books every one paid taxes, *Juvenal.* xvi. 53. *Dio.* 38. 1.

## PROVINCES.

THOSE countries were called *Provinces*, which the Roman people, having conquered by arms, or reduced any other way under their power, subjected to be governed by magistrates sent from Rome (*quod eas provicit, i. e. antè vicit, Festus*). The senate having received letters concerning the reduction of any country, consulted what laws they thought proper should be prescribed to the conquered, and sent commonly ten ambassadors, with whose concurrence the general, who had gained the conquest, might settle every thing, *Liv.* xlv. 17, 18.

These laws were called the FORM or *formula* of the province. Whatever the general, with the advice of the ten ambassadors, determined, used to be pronounced publicly by him before an assembly, after silence was made by a herald, *Liv.* xlv. 29. *Cic. in Verr.* ii. 19. Hence, *In formulam sociorum referri*, to be enrolled among, *Liv.* xlv. 16. *Urbem formulæ sui juris facere*, to hold in dependence or subjection, xxxviii. 9. *In antiqui formulam juris restitui*, to be brought into their former state of dependence on, &c. xxxii. 33. So xxiv. 26.

The first country which the Romans reduced into the form of a province, was Sicily, *Cic. Verr.* ii. 1.

The condition of all the provinces was not the same, nor of all the cities in the same province, but different, according to their merits towards the Roman people; as they had either spontaneously surrendered, or made a long and obstinate resistance. Some were allowed the use of their own laws, and to choose their own magistrates; others were not. Some also were deprived of part of their territory.

Into each province was sent a Roman governor (PRÆSES), *Ovid. Pont. iv. 7. 3.* to command the troops in it, and to administer justice; together with a quæstor, to take care of the public money and taxes, and to keep an account of what was received and expended in the province. The provinces were grievously oppressed with taxes.\* The Romans imposed on the vanquished, either an annual tribute, which was called CENSUS CAPITIS, or deprived them of part of their grounds; and either sent planters thither from the city, or restored them to the vanquished, on condition that they should give a certain part of the produce to the republic, which was called CENSUS SOLI, *Cic. in Verr. iii. 6. v. 5.* The former, i. e. those who paid their taxes in money, were called STIPENDIARII, or *Tributarii*, as *Gallia Comata*, *Suet. Jul. 15.* The latter VECTIGALES: who are thought to have been in a better condition than the former. But these words are sometimes confounded.

The sum which the Romans annually received from the stipendiary states was always the same; but the revenues of the *vectigales* depended on the uncertain produce of the tithes, of the taxes on the public pastures (*scriptura*), and on goods imported and exported (*portorium*). Sometimes, instead of the tenth part, if the province was less fertile, the twentieth only was exacted, as from the Spaniards, *Liv. xliii. 2.* Sometimes, in cases of necessity, an additional tenth part was exacted above what was due; but then money was paid for it to the husbandmen, *Cic. Verr. iii. 31.*; whence it was called *frumentum emptum*, also *decumanum*, or *imperatum*, *Liv. xxxvi. 2. xxxvii. 2. 50. xlii. 31.*

Asconius in his commentary on Cicero, *Verr. ii. 2.* mentions three kinds of payment made by the provincials; the regular or usual tax, a voluntary contribution or benevolence, and an extraordinary exaction or demand: (*Omne genus pensitationis in hoc capite positum est, CANONIS, quod deberetur; OBLATIONIS, quod opus esset; et INDICATIONIS, quod imperaretur.*) In which sense *Indictio* is used by Pliny, *Paneg. 29.*†

Under the Emperors a rule was made out, called CANON FRUMENTARIUS, in which was comprised what corn each province ought yearly to furnish. The corn thus received was laid up in public granaries, both at Rome and in the provinces, whence it was given out, by those who had the care of provisions, to the people and soldiers.

\* The revenue derived from the city of Alexandria alone, during the reign of the emperors, has been calculated to amount to upwards of six millions sterling, and is supposed never to have fallen short of 2,500,000*l.* during the whole period of the Roman dominion in Egypt.

† “The name and use of the *indictions*, which serve to ascertain the chronology of the middle ages, were derived from the regular practice of the Roman tributes. The emperor subscribed with his own hand, and in purple ink, the solemn edict, or *indiction*, which was fixed up in the principal city of each diocese, during two months previous to the first day of September. And, by a very easy connection of ideas, the word *indiction* was transferred to the measure of tribute which is prescribed, and to the general term which it allowed for the payment. (The cycle of *indictions*, which may be traced as high as the reign of Constantius, or perhaps of his father Constantine, is still employed by the Papal court: but the commencement of the year has been very reasonably altered to the 1st of January.)” — *Gibbon*, ch. xvii. vol. iii. p. 71.

Under the Emperors, besides a certain sum paid for the public pastures, the people of the provinces were obliged to furnish a certain number of cattle from their flocks, *Vopisc. in Prob.* 15. And, besides the tax paid at the port, as in Sicily, *Cic. Verr.* ii. 72.; in Asia, *Cic. Agrar.* ii. 29.; in Britain, *Tacit. Vit. Agric.* 31.; they also paid a tax for journeys, *Suet. Vitell.* 14., especially for carrying a corpse, which could not be transported from one place to another without the permission of the High Priest or of the Emperor. But this tax was abolished.

There was also a tax on iron, silver, and gold mines, as in Spain, *Liv.* xxxiv. 21.; on marble in Africa; on various mines in Macedonia, Illyricum, Thrace, Britain, and Sardinia; and also on salt pits, as in Macedonia, *Liv.* xlv. 29.

### MUNICIPIA, COLONIÆ, ET PRÆFECTURÆ.

MUNICIPIA were foreign [or Italian] towns which obtained the right of Roman citizens. \* Of these there were different kinds. Some possessed all the rights of Roman citizens, except such as could not be enjoyed without residing at Rome. Others enjoyed the right of serving in the Roman legion (MUNERA *militaria* CAPERE *poterant*), but had not the right of voting and of obtaining civil offices. †

The *Municipia* used their own laws and customs, which were called LEGES MUNICIPALES; nor were they obliged to receive the Roman laws unless they chose it (*nisi FUNDI FIERI vellent*). And some chose to remain as confederate states (*civitates foederatæ*), rather than become Roman citizens: as the people of Heraclea and Naples, *Cic. pro Balbo*, 8.

There were anciently no such free towns except in Italy, but afterwards we find them also in the provinces. Thus Pliny mentions eight in *Bætica*, and thirteen in Hither Spain, *Hist. Nat.* iii. 2. ‡

\* "In the constitutions of the municipal towns, which, in earlier times, were not altered on their receiving the Roman franchise, the houses, so long as they were of any importance in themselves, will also have retained their political character: and when time and circumstances had done away with this, they undoubtedly continued in the undiminished possession of their civil and religious privileges. But they were not acknowledged by the Roman state, their greater country, in any political relation to itself: none but the houses which composed the three ancient tribes, were fundamental parts of the state: and thus the patricians were able to boast that they alone had a house (*vos solos gentem habere*, *Liv.* x. 8.); while, nevertheless, there were members of plebeian houses, by thousands, at Rome, who in the municipal towns possessed gentile privileges." — *Nieb.* i. p. 275. "*Municipium*, beyond doubt, like *mancipium*, was originally the right itself; but, as happened, at least in one sense, to the latter word, was transferred to the object to which the right was attached: in this instance, to the class that possessed it." — ii. p. 56.

† "*Munus* properly signified a duty which a citizen was bound to discharge, whether by personal or pecuniary services: and *munciceps* was the opposite of *immunis*, which designated a person exempt from such burthens, as *vesticeps* was of *investis*. The last syllable, though it has a deceptive look of coming from a verb, is nothing more than one of those manifold terminations in which the Latin language luxuriates. *Facere*, or *fungi*, are the proper verbs in this phrase." — *Nieb.* ii. p. 53.

‡ "*Municipia* in Britain are alluded to by Tacitus, *Agric.* § 32." — T.



COLONIES were cities or lands which Roman citizens were sent to inhabit. They were transplanted commonly by three commissioners, (*per triumviros coloniae deducendae agroque dividendo*, Liv. [v. 24.] viii. 16.) sometimes by five, ten, or more. Twenty were appointed to settle the colony at Capua, by the *Julian* law, *Dio.* xxxviii. 1. The people determined in what manner the lands were to be divided, and to whom. The new colony marched to their destined place in the form of an army, with colours flying (*sub vexillo*, Cic. Phil. ii. 40.) The lands were marked round with a plough, and his own portion assigned to every one, *Virg. Æn.* i. 425. v. 755. All which was done after taking the auspices, and offering sacrifices.\*

When a city was to be built, the founder, dressed in a Gabinian garb, (*Gabino cinctu ornatus* †, v. *Gabino cultu incinctus*, Liv. v. 46. i. e. with his *toga* tucked up, and the lappet of it thrown back over the left shoulder, and brought round under the right arm to the breast, so that it girded him, and made the *toga* shorter and closer,) yoking a cow and a bull to the plough, the coulter whereof was of brass, marked out by a deep furrow the whole compass of the city; and these two animals, with other victims, were sacrificed on the altars. All the people or planters followed, and turned inwards the clods cut by the plough. Where they wanted a gate to be, they took up the plough and left a space. Hence PORTA, *a gate* (*a portando aratrum*). And towns are said to have been called URBES from being surrounded by the plough (*ab orbe*, vel *ab urvo*, i. e. *buri*, sive *aratri curvatura*, Varro de Lat. Ling. iv. 2. Festus). The form of founding cities among the Greeks, is described by Pausanias,

\* “It is an essential part in the notion of an old Roman colony, that it takes possession of a city already inhabited; modelling itself there after the laws of the people out of which it has issued. Now among those relations, which are nothing else than accounts of the earliest institutions cast in a historical form, are the two following: that originally the Roman territory was divided into three districts, whence the three tribes received their name; consequently each had its corresponding region, as the share allotted to it: and that Romulus took a third of their territory from the cities he conquered, and settled 300 Roman colonists in each. If these two relations are combined, we here discover that it was the system, in a conquered town, the dependence of which was to be secured, and its forces appropriated to Rome, to settle citizens who were to have the whole government in their hands: for although but a third of the land was assigned to them, so that they were only a single tribe, this was the ruling one, out of which alone undoubtedly the senate was formed, as it was originally at Rome likewise out of but one race: they, too, were exclusively eligible to magistracies. Not that the old inhabitants were reduced to servitude: they were distributed into tribes, enjoyed many privileges, and generally became incorporated with the colonists into one people: instances of insurrections in colonial towns are not very numerous. Yet it is true, some such happened: thus Fidenæ and Velitræ revolted; which would sound incredible, if in agreement with Livy’s description (iii. 4.) their citizens had been Roman colonists, who in that case would have thrown away the lands they had received: but it is very intelligible if the colonists were overpowered or massacred, as at Sora (*Liv.* ix. 23.), by the old inhabitants.” — *Nieb.* i. p. 256. ii. p. 42.

† “The cincture in the Gabine fashion, was by throwing back the toga, then winding its skirt round the body. The inhabitants of Gabii, whilst engaged in sacrifice, were once surprised by a hostile inroad: leaving the altar, they instantly, in this dress, attacked and defeated the enemy. Before the introduction of armour, the ancient Latins often went into action with the toga wound round their bodies. Hence the military term *in procinctu esse*, Serv.” — *Notes on Virg. Æn.* vii. 612, by Valpy.

v. 27. who says that the first city built was *Lycosūra* in Arcadia, viii. 38.

When a city was solemnly destroyed, the plough was also drawn along (*inducebatur*) where the walls had stood, *Horat. Od. i. 16.* Hence, *Et seges est, ubi Troja fuit*, *Ovid. Her. i. 53.* We read in the sacred writings of salt being sown on the ground where cities had stood, *Judg. ix. 45. Mic. iii. 12.*

The walls of cities were looked upon by the ancients as sacred, but not the gates, *Plut. Quæst. 26.* The gates, however, were reckoned inviolable (*sanctæ*).

A space of ground was left free from buildings both within and without the walls, which was called POMÆRIUM (i. e. *locus circa murum, vel post murum intus et extra*), and was likewise held sacred, *Liv. i. 44.* Sometimes put only for the open space without the walls, *Flor. i. 9.* When the city was enlarged, the *pomærium* also was extended (*hi consecrati fines proferebantur*, *Liv. ibid.*) \*

These ceremonies used in building cities are said to have been borrowed from the Hetrurians, *ibid.*

It was unlawful to plant a new colony where one had been planted before, *Cic. Phil. ii. 40.*; but supplies might be sent.

The colonies solemnly kept the anniversary of their first settlement, *diem natalem coloniae religiosè colebant*, *Cic. ad Attic. iv. 1. Sext. 63.*

Some colonies consisted of Roman citizens only, some of Latins, and others of Italians, *Liv. xxxix. 55.* Hence their rights were different. Some think that the Roman colonies enjoyed all the rights of citizens, as they are often called Roman citizens, and were once enrolled in the censor's books at Rome, *Id. xxix. 27.* But most are of opinion, that the colonies had not the right of voting, nor of bearing offices at Rome, from *Dio. xliii. 39. 50.* The rights of Latin colonies were more limited; so that Roman citizens who gave their names to a Latin colony, suffered a diminution of rank. *Cic. pro Cæcin. 33. pro Domo, 30.* The Italian colonies were in a still worse condition. The difference consisted chiefly in their different immunity from taxes.†

Sulla, to reward his veterans, first introduced the custom of settling MILITARY COLONIES, which was imitated by Julius Cæsar, Augustus, and others. To those colonies whole legions were sent, with their officers, their tribunes, and centurions; but this custom afterwards fell into disuse, *Tacit. Annal. xiv. 72.* For the sake of distinction the other colonies were called CIVILES, PLEBEIÆ, or

\* "What Tacitus describes as the *pomærium* of Romulus, is an enlargement of the original compass, a suburb, or borough, round about the city, scantily fortified with a wall and a narrow ditch, as the chronicles tell of the Borghi round Florence; it is this weak fortification that Remus scoffs at in the legend. The word *pomærium* itself, seems properly to denote nothing else than a suburb taken into the city, and admitted within the range of its auspices. From the statement of Tacitus, that of Romulus ran from the Forum Boarium, i. e. from the neighbourhood of the Janus, through the valley of the Circus; then from the Septizonium to below the baths of Trajan; thence, finally, perhaps, along the Via Sacra, to the Forum: here was a swamp reaching to the Velabrum." — *Nieb. i. p. 246.*

† "In their capacity of garrisons, colonies served not only to maintain conquests, but also to defend subject towns, which, whether from the loss of inhabitants, or naturally, were too weak to repel an advancing enemy." — *Nieb. ii. p. 46.*



TOGATÆ, because they consisted of citizens, or, as they were afterwards named, PAGANĪ, or *Privati*, who were opposed to soldiers. See p. 62.

The colonies differed from the free towns in this, that they used the laws prescribed them by the Romans, but they had almost the same kind of magistrates. Their two chief magistrates were called DUUMVIRI, and their senators DECURIONES; because, as some say, when the colony was first planted, every *tenth* man was made a senator.\* The fortune requisite to be chosen a *Decurio*, under the emperors, was a hundred thousand *sestertii*, Plin. Ep. i. 19.

The senate, or general council of Grecian cities, under the Roman empire, was called BULE (βουλή, *consilium*), Plin. Ep. x. 85.; its members, BULEUTÆ, *Id.* 115.; the place where it met at Syracuse, BULEUTERIUM, *Cic. Verr.* ii. 21.; an assembly of the people, ECCLESIA, *Plin. Ep.* x. 3. In some cities those who were chosen into the senate by their censors, paid a certain sum for their admission (*honorarium decurionatus*), *Id.* 114. and that even although chosen contrary to their own inclinations, *Ibid.* In Bithynia, they were subjected to regulations with respect to the choice of senators, similar to those at Rome, *Id.* 83. 115. An act passed by the senate or people was called PSEPHISMA, *Id.* x. 52, 53. It was there customary, upon a person's taking the manly robe, solemnising his marriage, entering upon the office of a magistrate, or dedicating any public work, to invite the whole senate, together with a considerable part of the commonalty, to the number of a thousand or more, and to distribute to each of the company a dole (*sportula*) of one or two *denarii*. This, as having the appearance of an ambitious largess (*dianōme*) was disapproved of by Trajan, *Plin. Ep.* x. 117, 118.

Each colony had commonly a patron, who took care of their interests at Rome, *Dionys.* ii. 11.

PRÆFECTURÆ were towns to which prefects were annually sent from Rome, to administer justice; chosen partly by the people, and partly by the prætor, *Festus*. Towns were reduced to this form, which had been ungrateful to the Romans; as *Calatia*, *Liv.* i. 38. *Dionys.* iii. 50. *Capua*, *Liv.* xxvi. 16. and others. [*“Reate, 3 Catil. § 2.” T.*] They neither enjoyed the rights of free towns nor of colonies, and differed little from the form of provinces. Their private right depended on the edicts of their præfects, and their public right on the Roman senate, who imposed on them taxes and service in war at pleasure. Some *Præfecturæ*, however, possessed greater privileges than others.

Places in the country or towns where markets were held, and justice administered, were called FORA; as *Forum AURELIUM*, *Cic. Cat.* i. 9. *Forum APPII*, *Cic. Att.* ii. 10. *Forum Cornelii, Julii, Livii, &c.*

Places where assemblies were held, and justice administered, were called CONCILIABULA, *Liv.* xl. 37.

\* “The Roman senate (of 300) was divided into decuries; each of these corresponded to a cury. This explains why the members of the senate in the colonies, and, after the Julian law, those in the municipia, were termed decurions.”—*Nieb.* i. p. 291.

All other cities, which were neither *Municipia*, *Coloniae*, nor *Præfecturae*, were called *Confederate States* (CIVITATES FŒDERATÆ). These were quite free, unless that they owed the Romans certain things, according to treaty. Such was Capua, before it revolted to Hannibal. Such were also Tarentum, Naples, Tibur, and Præneste.\*

### FOREIGNERS.

ALL those who were not citizens were called by the ancient Romans, foreigners (PEREGRINI), wherever they lived, whether in the city or elsewhere. But after Caracalla granted the freedom of the city to all freeborn men in the Roman world, and Justinian some time after granted it also to freedmen, the name of foreigners fell into disuse; and the inhabitants of the whole world were divided into Romans and Barbarians. The whole Roman empire itself was called ROMANIA, which name is still given to Thrace, as being the last province which was retained by the Romans, almost until the taking of Constantinople by the Turks, A. D. 1453.

While Rome was free, the condition of foreigners was very disagreeable. They might, indeed, live in the city, but they enjoyed none of the privileges of citizens. They were also subject to a particular jurisdiction, and sometimes were expelled from the city at the pleasure of the magistrates. Thus M. Junius Pennus, A. U. 627, and C. Papius Celsus, A. U. 688, both tribunes of the people, passed a law ordering foreigners to leave the city, *Cic. Off.* iii. 11. *Brut.* 8. So Augustus, *Suet. Aug.* 42. But afterwards an immense number of foreigners flocked to Rome from all parts, *Juv. Sat.* iii. 58. *Seneca ad Helv. c.* 8. So that the greatest part of the common people consisted of them; hence Rome is said to be *mundi facie repleta*, *Lucan.* vii. 405.

Foreigners were neither permitted to use the Roman dress, *Suet. Claud.* 25., nor had they the right of legal property, or of making a will. When a foreigner died, his goods were either reduced into the treasury, as having no heir (*quasi bona VACANTIA*), or if he had attached himself (*se applicuisset*) to any person, as a patron, that person succeeded to his effects JURE APPLICATIONIS, as it was called, *Cic. de Orat.* i. 39. [*pro Cæcinâ*, 33, 34.]

But in process of time these inconveniences were removed, and foreigners were not only advanced to the highest honours in the state, but some of them even made emperors.

### THE ASSEMBLIES OF THE PEOPLE.

AN assembly of the whole Roman people to give their vote about any thing, was called COMITIA (a *coëundo* vel *comeundo*). When a part of the people only was assembled, it was called CONCILIUM, *A. Gell.* xv. 27.† But these words were not always distinguished, *Liv.* vi. 20.

\* "Also Heraclea, *Cic. pro Archid.* § 4., which is there also called a *municipium*."  
—T. See the *Lex Silvani et Carbonis*.

† "A *concilium populi* (in early ages) is synonymous with an assembly of the patricians or of the curies. It was to such an assembly that Publicola did homage, by lowering his *fasces* (*Liv.* ii. 7. iii. 71.). It was by the curies that M. Manlius

In the *Comitia*, every thing which came under the power of the people was transacted; magistrates were elected, and laws passed, particularly concerning the declaration of war, and the making of peace. Persons guilty of certain crimes were also tried in the *Comitia*, Polyb. vi. 12.

The *Comitia* were always summoned by some magistrate, who presided in them, and directed every thing which came before them; and he was then said HABERE COMITIA. When he laid any thing before the people, he was said AGERE CUM POPULO, *Gell.* xiii. 14. As the votes of all the people could not be taken together, they were divided into parts.

There were three kinds of *Comitia*: the *Curiata*, instituted by Romulus; the *Centuriata*, instituted by Servius Tullius, the sixth king of Rome; and the *Tributa*, said to have been first introduced by the tribunes of the people at the trial of Coriolanus, A. U. 263.

The *Comitia Curiata* and *Centuriata* could not be held without taking the auspices (*nisi auspicato*), nor without the authority of the senate, but the *Tributa* might, *Dionys.* ix. 41. 49.

The days on which the *Comitia* could be held were called DIES COMITIALES, (i. e. *quibus cum populo agere licebat*), Liv. iii. 11. Cic. Q. Fr. i. 2. Macrob. Sat. i. 16.

As in the senate, so in the *Comitia*, nothing could be done before the rising nor after the setting of the sun, *Dio.* xxxix. *fin.*

The *Comitia* for creating magistrates were usually held in the *Campus Martius*; but for making laws, and for holding trials, sometimes also in the forum, and sometimes in the capitol.

### THE COMITIA CURIATA.

In the *Comitia Curiata* the people gave their votes, divided into thirty *curiæ*, (*ita dicta quòd iis rerum publicarum cura commissa sit*, Fest. *vel potius a κῆρία, sc. ἐκκλησία, conventus populi apud Græcos ad jubendum vel vetandum quod e republica censeret esse*.) And what a majority of them, namely, sixteen, determined, was said to be the order of the people. At first there were no other *Comitia* but the *Curiata*, and therefore every thing of importance was determined in them.

The *Comitia Curiata* was held, first by the kings, and afterwards by the consuls and the other greater magistrates; that is, they presided at them, and nothing could be brought before the people but by them. They met in a part of the forum called the COMITIUM\*,

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the saviour of the capitol, the patron of the Roman commonalty, was condemned to death, after the centuries had acquitted him: to such a degree did the patricians thirst after his blood (vi. 20). Their place of meeting was the comitium, that of the plebeians the forum." — *Nieb.* i. p. 367.

\* "The Sabines founded a new city on the conquered Capitoline and the Quirinal hill: Tatius dwelt on the former, and dedicated temples there to his native gods. The kings and their senates, and probably also the ruling houses on each side in a body, met for important deliberations between the Capitol and the Palatium; hence the name of the Comitium." — *Nieb.* i. p. 195. 249. "By the side of the Comitium, were two places, called by the perplexing names of *stationes municipiorum* and *græcostanis*. These names, I conceive, designated two places, one allotted to the

where the pulpit or tribunal (*suggestum*) stood, whence the orators used to harangue the people.\* It was afterwards called ROSTRA, because it was adorned with the beaks of the ships taken from the Antiates, *Liv.* viii. 14. and also *Templum*, because consecrated by the augurs, *Ibid.* & 35.; which was its usual name before the Antiates were subdued, ii. 56. The *Comitium* was first covered the year that Hannibal came into Italy, xxvii. 36. Afterwards it was adorned with pillars, statues, and paintings.†

Those citizens only had a right to vote at the *Comitia Curiata*, who lived in the city, and were included in some *curia* or parish. The *curia* which voted first was called PRINCIPIUM, *Liv.* ix. 38.

After the institution of the *Comitia Centuriata* and *Tributa*, the *Comitia Curiata* were more rarely assembled‡, and that only for passing certain laws, and for the creation of the *Curio Maximus*, *Liv.* xxvii. 8. and of the *Flamines*, A. Gell. xv. 27. Each *curia* seems to have chosen its own *curio*; called also *magister curiæ*, Plaut. Aul. ii. 2, 3.

A law made by the people divided into *curiæ* was called LEX CURIATA. Of these, the chief we read of, were,

1. The law by which military command (*IMPERIUM*) was conferred on magistrates, *Liv.* ix. 38. Without this they were not allowed to meddle with military affairs (*rem militarem attingere*), to command an army, or carry on war, *Cic. Phil.* v. 16. *Ep. Fam.* i. 9.; but only had a civil power (*POTESTAS*), or the right of administering justice. Hence the *Comitia Curiata* were said *rem militarem continere*, *Liv.* v. 52. and the people to give sentence twice (*bis sententiam ferre v. binis comitiis judicare*), concerning their magistrates, *Cic. de Lege Agr.* ii. 11. But in aftertimes this law seems to have been passed only for form's sake, by the suffrages of the thirty lictors or serjeants, who formerly used to summon the *curiæ*, and attend on them at the *Comitia*, *Cic. ibid.* (*Populi suffragiis, ad speciem atque ad usurpationem vetustatis, per triginta lictores auspiorum causâ adumbratis, cap. 12.*)

2. The law about recalling Camillus from banishment, *Liv.* v. 46.

municipals, the other to the Greeks from allied cities, that they might hear the debates; places resembling privileged seats in the hall of a parliamentary assembly." — ii. p. 57.

\* A private citizen was never allowed to mount the *rostra*. C. Cato, a young man who had borne no public office, once did it, and, in a speech to the people, declared Pompey dictator; but it raised such indignation in the audience, that it had nearly cost him his life, *Cic. Ep. ad Quint. Fratr.* i. 2. "See *Cic. pro Lege Manil. init.* Ernesti Clav. *Cic. in Concionem dare alicui.* Also Adam, under the article *Tribunes.*" — T.

† "In the *Comitium* a vault was built under ground, and filled with firstlings of all the natural productions that sustain human life, and with earth which each foreign settler had brought with him from his home; this place was called *mundus*, and was the door of the nether world, which was opened on three several days in the year for the spirits of the dead." — *Nieb.* i. p. 190. "Under an altar in the *Comitium* were preserved the whetstone and razor of the augur Attus Navius; beside them, on the steps of the senate-house, stood the statue of Attus, a priest, with his head muffled." — P. 309.

‡ "They became extinct soon after the middle of the fifth century." — *Nieb.* i. p. 287.

3. That form of adoption called *arrogatio* (see p. 48.) was made at the *Comitia Curiata*, because no one could change his state or *sacra* without the order of the people, *Cic. pro Sext. pro Dom.* 15. &c. *Suet. Aug.* 65. *Dio.* xxxvii. 51.

4. Testaments were anciently made at these *Comitia*; and because in time of peace they were summoned (*calata*, i.e. *convocata*) by a lictor twice a-year for this purpose; hence they were also called COMITIA CALATA, which name is likewise sometimes applied to the *Comitia Centuriata*, because they were assembled by a *Comicen*, who was also called *Classicus* (*quod classes comitiis ad comitatum vocabat*), *A. Gell.* xv. 27. *Varro de Lat. Ling.* iv. 16.

5. What was called DETESTATIO SACRORUM, was also made here: as when it was denounced to an heir or legatee that he must adopt the sacred rites which followed the inheritance, *Cic. de Legg.* ii. 9. Whence an inheritance without this requisite is called by *Plautus* *hæreditas sine sacris*. *Captiv.* iv. 1. (*cùm aliquid obvenerit sine aliquâ incommodâ appendice*, *Festus*.)\*

## THE COMITIA CENTURIATA AND THE CENSUS.†

THE principal *Comitia* were the *Centuriata*, called also *majora*, *Cic. post Red. in Senat.* 2. in which the people, divided into the centuries

\* "The most important piece of information on Roman constitutional law, contained in the newly discovered fragments of Cicero's books on the Republic, is, that after the curies had elected the kings, the kings were still under the necessity of applying to the same curies for the *imperium*, the refusal of which would have made their election powerless, *de Re P.* ii. 13. (Numa) quanquam populus curiatis eum comitiis regem esse jusserat, tamen ipse de suo imperio curiatam legem tulit. The same is stated of Tullus Hostilius, Ancus Martius, L. Tarquinius, Serv. Tullius. This might be known to Cicero from the books of the pontiffs and augurs; and the more startling it sounds, that the same assembly had to decide twice, and could annul its own election by the second decision, the more distinctly does he declare that so it was. Nor was the declaration superfluous, even in his time; for Dionysius and Livy, both of them, assume that the assemblies must have been two different ones, as was the case after the time of Servius Tullius. The electing assembly both look upon to be the people; the confirmative one is termed by the former the patricians, by the latter the *patres*; (*Liv.* i. 17. decreverunt, ut, cum populus regem jussisset, id sic ratum esset, si patres auctores fierent; in this form Numa's election is conducted; cf. 22. 32. 41.): hereby he may have meant the senate; yet it is probable, that in this place also he had the patricians in view, at least indistinctly, as he had elsewhere more frequently than such a sense is assigned to him. At all events, every reader sees, without need of many words to prove it, that what Cicero calls the *lex curiata de imperio*, is precisely the same thing as the *auctoritas patrum* in Livy, and the confirmation by the patricians in Dionysius. And thus, then, it is now further clear that the *auctoritas patrum*, which, until the Mænian law, was indispensable to the validity of elections, was nothing else than the *lex curiata de imperio*, which even the dictators were under the necessity of procuring for themselves. But those *patres* were the patricians; they are called so most distinctly (*Liv.* vi. 42.): a more conclusive proof cannot be offered in history than this, for the identity between the comitia of the curies and the assembly of the patricians." — *Nieb.* i. p. 288.

† The learned differ about the persons whose names were given in upon each Roman census. Some will have it that in this multitude all the Roman citizens, without excepting their wives or children, were included; but this, at all events, cannot be admitted, for we do not find that the most numerous census ever exceeded 500,000 for above 700 years together. Others confine the census to the heads of families. This, however, is equally untenable; for, under the consulship of Valerius,

of their classes, gave their votes; and what a majority of centuries decreed (*quod plures centuriæ jussissent*) was considered as finally determined (*pro rato habebatur*.) These *Comitia* were held according to the *Census* instituted by Servius Tullius.

The CENSUS was a numbering of the people, with a valuation of their fortunes (*æstimatio*, ἀποτίμησις).

To ascertain the number of the people, and the fortunes of each individual, Servius (A.U. 175) ordained that all the Roman citizens, both in town and country, should upon oath take an estimate of their fortunes (*bona sua jurati censerent*, i. e. *æstimarent*), and publicly declare that estimate to him (*apud se profiterentur*); that they should also tell the place of their abode, the names of their wives and children, and their own age and that of their children, and the number of their slaves and freedmen: that if any did otherwise, their goods should be confiscated, and themselves scourged and sold for slaves, as persons who had deemed themselves unworthy of liberty (*qui sibi libertatem abjudicassent*, Cic. pro Cæcin. 34.). He likewise appointed a festival, called PAGANALIA, to be held every year in each *pagus*, or village, to their tutelary gods, at which time the peasants should every one pay into the hands of him who presided at the sacrifices a piece of money; the men a piece of one kind, the women of another, and the children of a third sort, *Dionys.* iv. 15. 51.\*

Then, according to the valuation of their estates, he divided all the citizens into six CLASSES, and each class into a certain number of CENTURIES.

The division by *centuries*, or hundreds, prevailed every where at Rome; or rather by tens, from the number of fingers on both hands, *Ovid. Fast.* iii. 123. &c. The infantry and cavalry, the *curiæ* and tribes, were divided in this manner; and so even the land: hence CENTENARIUS AGER, *Ovid. ibid.* & *Festus*. At first a century contained a hundred; but not so afterwards. Thus the number of men in the centuries of the different classes was, without doubt, very different.

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A. U. 245, B. C. 507, the Roman state, which then hardly extended beyond the walls of Rome, would have reckoned up 130,000 heads of families, exclusive of widows, orphans, slaves, strangers, &c. It is, therefore, more reasonable to conclude with Fabius Pictor, as quoted by Livy, that none but those that were *able to bear arms* were included in this reckoning; i. e. those only who were about seventeen years of age, and under forty-six. Thus we are to understand Dion. Hal.: when speaking of this fifth Roman census, he says, that the number of those arrived to the age of puberty, ἐν ἡσπῇ, amounted to 130,000 men. — *Hooke's Rom. Hist.* c. ii.

\* "The laws provided the means for detecting false returns. All children on their birth were registered in the temple of Lucina; all who entered into youthhood, in that of Juventas; all the deceased, in that of Libitina; all sojourners, with their wives and children, at the Paganalia. All changes of abode, or of landed property, were to be announced to the magistrates of the district, the tribunes, or the overseers of the *pagi* or *vici*; which Dionysius misinterprets into a prohibition against any body dwelling without the region of his tribe. In like manner, notice must have been given on every alienation of an article liable to tribute; and the purpose of the witnesses prescribed by law, who confessedly represented the five tribes, was at least just as much to trace the object of the sale for the census, as to ensure the proprietor." — *Nieb.* i. p. 406.



The first class consisted of those whose estates in lands and effects were worth at least 100,000 *asses*, or pounds of brass; or 10,000 *drachmæ*, according to the Greek way of computing; which sum is commonly reckoned equal to 322*l.* 18*s.* 4*d.* of our money; but if we suppose each pound of brass to contain 24 *asses*, as was the case afterwards, it will amount to 7,750*l.*

This first class\* was subdivided into eighty centuries or companies of foot, forty of young men (*juniorum*), that is, from seventeen to forty-six years of age, *Cic. de Sen.* 17. *A. Gell.* x. 28. ["*Livy* xxiv. 7. xxvi. 22." — *T.*] who were obliged to take the field (*ut foris bella gererent*), and forty of old men (*seniorum*), who should guard the city (*ad urbis custodiam ut præstò essent*).† To these were added eighteen centuries of *Equites*, who fought on horseback: in all ninety-eight centuries.

The second class consisted of twenty centuries; ten of young men, and ten of old, whose estates were worth at least 75,000 *asses*. To these were added two centuries‡ of artificers (*fabrùm*), carpenters, smiths, &c. to manage the engines of war. These *Livy* joins to the first class.

It is hardly to be imagined that those artificers were composed of the members of either the first or the second class, but of their servants or dependents; for not only the mechanic arts, but likewise every kind of trade, was esteemed dishonourable among the ancient Romans.

The third class was also divided into twenty centuries; their estate was 50,000 *asses*.

The fourth class likewise contained twenty centuries; their estate was 25,000 *asses*. To these *Dionysius* adds two centuries of trumpeters, vii. 59.

The fifth class was divided into thirty centuries; their estate was 11,000 *asses*, but according to *Dionysius*, 12,500. Among these, according to *Livy*, were included the trumpeters, and corneters or blowers of the horn, distributed into three centuries, whom *Dionysius* joins as two distinct centuries to the fourth class.

The sixth class comprehended all those who either had no estates, or were not worth so much as those of the fifth class. The number of them was so great as to exceed that of any of the other classes, yet they were reckoned but as one century.

Thus the number of centuries in all the classes was, according to *Livy*, 191; and according to *Dionysius*, 193.

\* Niebuhr, i. p. 384., says, that all the classes were thus subdivided.

† "From what *Gellius* (x. 28.) quotes out of *Tubero*, all who were above forty-six would have been numbered among the seniors: according to a different well-known statement, it was only up to the close of the sixtieth year, with which all civic rights expired. This opinion rests upon valuable authorities, and the obligation of the *seniores* to defend the city, of which we read in *Livy*, speaks strongly for their having been separated from the *senes*." — *Nieb.* i. p. 386.

‡ *Cicero* only gives them one. To this *Niebuhr* inclines; on the ground that in the camp, where none but the junior centuries, and the five attached to them, the *fabri*, *accensi*, *velati*, *liticines*, and *cornicines*, were present, the junior centuries being eighty-five, these, together with the five mentioned, make up three times thirty, the number which pervades the earliest institutions. On the same principle, the number of centuries in the classes was 170.



Some make the number of Livy to amount to 194, by supposing that the trumpeters, &c. were not included in the thirty centuries of the fifth class, but formed three distinct centuries by themselves.

Each *class* had arms peculiar to itself, and a certain place in the army, according to the valuation of their fortunes.

By this arrangement, the chief power was vested in the richest citizens, who composed the first class, which, although least in number, consisted of more centuries than all the rest put together; but they likewise bore the charges of peace and war (*munia pacis et belli*) in proportion, *Liv.* i. 42. For as the votes at the *Comitia*, so likewise the quota of soldiers and taxes, depended on the number of centuries. Accordingly, the first class, which consisted of ninety-eight, or, according to Livy, of one hundred centuries, furnished more men and money to the public service, than all the rest of the state besides. But they had likewise the chief influence in the assemblies of the people by centuries. For the *Equites* and the centuries of this class were called first to give their votes, and, if they were unanimous, the matter was determined; but if not, then the centuries of the next class were called, and so on, till a majority of centuries had voted the same thing. And it hardly ever happened that they came to the lowest, *Liv.* i. 43. *Dionys.* vii. 59.

In aftertimes some alteration was made, as is commonly supposed, in favour of the Plebeians, by including the centuries in the tribes; whence mention is often made of tribes in the *Comitia Centuriata*, *Liv.* v. 18. *Cic.* in *Rull.* ii. 2. *pro Planc.* 20. In consequence of which, it is probable, that the number of centuries as well as of tribes was increased, *Cic. Phil.* ii. 82. But when or how this was done is not sufficiently ascertained, only it appears to have taken place before the year of the city 358, *Liv.* v. 18.

Those of the first class were called CLASSICI, all the rest were said to be INFRA CLASSEM, *A. Gell.* vii. 13. Hence *classici auctores*, for the most approved authors, *Id.* xix. 8.

Those of the lowest class who had no fortune at all were called CAPITE CENSI, rated by the head; and those who had below a certain valuation, PROLETARII, *Gell.* xvi. 10. whence *sermo proletarius* for *vilis*, low, *Plaut. Milit. Glor.* iii. 1. 157. This properly was not reckoned a *class*; whence sometimes only five classes are mentioned, *Liv.* iii. 30. So *Quintæ classis videntur*, of the lowest, *Cic. Acad.* iv. 23.

This review of the people was made (*census habitus*, v. *actus est*) at the end of every five years; first by the kings, then by the consuls, but, after the year 310, by the censors, who were magistrates created for that very purpose. We do not find, however, that the *census* was always held at certain intervals of time. Sometimes it was omitted altogether, *Cic. pro Arch.* 5.

After the *census* was finished, an expiatory or purifying sacrifice (*sacrificium lustrale*) was made, consisting of a sow, a sheep, and a bull, which were carried round the whole assembly, and then slain; and thus the people were said to be purified (*lustrari*). Hence also *lustrare* signifies *to go round, to survey*, *Virg. Ecl.* x. 55. *Æn.* viii. 231. x. 224. and *circumferre*, to purify, *Plaut. Amph.* ii. 2. 144. *Virg. Æn.* vi. 229. This sacrifice was called SUOVETAURILIA or SOLI-

TAURILIA, and he who performed it was said CONDERE LUSTRUM. It was called *lustrum* a *luendo*, i. e. *solvendo*, because at that time all the taxes were paid by the farmers-general to the censors, *Var. L. L. v. 2.* And because this was done at the end of every fifth year, hence LUSTRUM is often put for the space of five years; especially by the poets, *Horat. Od. ii. 4. 24. iv. 1. 6.*, by whom it is sometimes confounded with the Greek Olympiad, which was only four years, *Ovid. Pont. iv. 6. 5. Martial. iv. 45.* It is also used for any period of time, *Plin. ii. 48.*

The *census* anciently was held in the *forum*, but after the year of the city 320, in the *villa publica*, which was a place in the *Campus Martius*, *Liv. iv. 22.* fitted up for public uses; for the reception of foreign ambassadors, &c. *Liv. xxxiii. 9. Varro de Re Rustica, iii. 2. Lucan. ii. 196.* The purifying sacrifice was always made (*lustrum conditum est*) in the *Campus Martius*, *Liv. i. 44. Dionys. iv. 22.* The *census* was sometimes held without the *lustrum* being performed, *Liv. iii. 22.*

#### 1. THE CAUSES OF ASSEMBLING THE COMITIA CENTURIATA.

THE COMITIA CENTURIATA were held for creating magistrates, for passing laws, and for trials. \*

In these *comitia* were created the consuls, prætors, censors, and sometimes a proconsul, *Liv. xxvi. 18.*, also the *decemviri*, military tribunes, and one priest, namely, the *rex sacrorum*. Almost all laws were passed in them which were proposed by the greater magistrates, and one kind of trial was held there, namely, for high treason, or any crime against the state, which was called JUDICIUM PERDUELLIONIS; as when any one aimed at sovereignty, which was called *crimen regni*, *Liv. vi. 20.*, or had treated a citizen as an enemy, *Cic. in Verr. i. 5.*

War was also declared at these *comitia*, *Liv. xxxi. 6, 7. xlii. 30.*

#### 2. THE MAGISTRATES WHO PRESIDED AT THE COMITIA CENTURIATA; THE PLACE WHERE THEY WERE HELD; THE MANNER OF SUMMONING THEM; AND THE PERSONS WHO HAD A RIGHT TO VOTE AT THEM.

THE *Comitia Centuriata* could be held only by the superior magistrates, i. e. the consuls, the prætor, and dictator, and *interrex*: but the last could only hold the *comitia* for creating magistrates, and not for passing laws.

The censors assembled the people by centuries; but this assembly was not properly called *comitia*, as it was not to vote about any thing. The prætors could not hold the *comitia* if the consuls were present, without their permission, *Liv. xxvii. 5.*; but they might in their absence, *Id. xliii. 16. xlv. 21.*, especially the *prætor urbanus*; and as in the instance last quoted, without the authority of the senate.

\* "They determined on such proposals of the senate concerning elections and laws, as were put to the vote by the person who presided; with perfect liberty to reject them; but their acceptance did not acquire full force till approved by the curies." — *Nich. i. p. 420.*

The consuls held the *comitia* for creating the consuls, and also for creating the prætors (for the prætors could not hold the *comitia* for creating their successors, *Cic. ad Att.* ix. 9.); and for creating the censors, *Liv.* vii. 22. *Cic. ad Att.* iv. 2.

The consuls determined which of them should hold these *comitia*, either by lot or by agreement (*sorte vel consensu; sortiebantur vel comparabant*), *Liv.* passim.

The *comitia* for creating the first consuls were held by the præfect of the city, Spurius Lucretius, *Liv.* i. 60., who was also *interrex*, *Dionys.* iv. 84.

When a *rex sacrorum* was to be created, the *comitia* are thought to have been held by the *pontifex maximus*. But this is not quite certain.

The person presiding in the *comitia* had so great influence, that he is sometimes said to have himself *created* the magistrates who were elected, *Liv.* i. 60. ii. 2. iii. 54. ix. 7.

When, from contention between the Patricians and Plebeians, or between the magistrates, or from any other cause, the *comitia* for electing magistrates could not be held in due time, and not before the end of the year, the Patricians met and named (*sine suffragio populi auspiciatò prodebant*) an *interrex* out of their own number, *Cic. pro Domo*, 14. and *Ascon. in Cic.*, who commanded only for five days, *Liv.* ix. 34.; and in the same manner different persons were always created every five days, till consuls were elected, who entered immediately on their office.\* The *comitia* were hardly ever held by the first *interrex*: sometimes by the second, *Liv.* ix. 7. x. 11.; sometimes by the third, *Id.* v. 31.; and sometimes not till the eleventh, *Id.* vii. 21. In the absence of the consuls, a dictator was sometimes created to hold the *comitia*, *Id.* vii. 22. viii. 23. ix. 7. xxv. 2.

The *Comitia Centuriata* were always held without the city, usually in the *Campus Martius*: because anciently the people went armed in martial order (*sub signis*) to hold these assemblies [hence called *exercitus*, *Nieb.* i. 419.]; and it was unlawful for an army to be marshalled in the city, *Liv.* xxxix. 15. *Gell.* xv. 27. But in latter times a body of soldiers only kept guard on the Janiculum, where an imperial standard was erected (*vexillum positum erat*), the taking down of which denoted the conclusion of the *comitia*, *Dio.* xxxvii. 27, 28.

The *Comitia Centuriata* were usually assembled by an edict. It behoved them to be summoned (*edici v. indici*) at least twenty-seven days before they were held, that the people might have time to weigh with themselves what they should determine at the *comitia*. This space of time was called TRINUNDINUM, or TRINUM NUNDINUM, i. e. *tres nundinæ*, three market-days, because the people from the country came to Rome every ninth day to buy and sell their commodities, *Liv.* iii. 35. (*Nundinæ a Romanis nono quoque die celebratæ: intermediis septem diebus occupabantur ruri*, *Dionys.* ii. 28. vii. 58.;

\* "That this arrangement was unfavourable to the progress of forensic as well as public business, appears from a jocose passage in one of Cicero's letters to Trebatius, *Ep. Fam.* vii. 11.: 'If you had not already,' says he, 'been absent from Rome, you would certainly have run away now; for what business is there for a lawyer in so many interregnums? I advise all my clients, if sued in any action, to move every interrex twice for more time: do not you think that I have learnt the law of you to good purpose?' "— *Middleton's Life of Cic.* i. p. 422.

*reliquis septem rura colebant*, Varro de Re Rust. præf. 11.) But the *comitia* were not held on the market-days (*nundinis*), because they were ranked among the *feriæ* or holy-days, on which no business could be done with the people, *Macrob.* i. 16. (*ne plebs rustica avocaretur*, lest they should be called off from their ordinary business of buying and selling,) *Plin.* xviii. 3. This, however, was not always observed, *Cic. Att.* i. 14.

But the *comitia* for creating magistrates were sometimes summoned against the first lawful day (*in primum comitiale diem*), *Liv.* xxiv. 7.

All those might be present at the *Comitia Centuriata* who had the full right of Roman citizens, whether they lived at Rome or in the country.

### 3. CANDIDATES.

THOSE who sought preferments were called CANDIDATI, from a white robe (*togâ candidâ*) worn by them, which was rendered shining (*candens* vel *candida*) by the art of the fuller\*; for all the wealthy Romans wore a gown naturally white (*toga alba*). This, however, was anciently forbidden by law (*ne cui album*, i. e. *cretam*, *in vestimentum addere, petitionis causâ liceret*), *Liv.* iv. 25.

The candidates did not wear tunics or waistcoats, either that they might appear more humble, or might more easily show the scars they had received on the breast or fore part of their body (*adverso corpore*), *Plutarch.* in *Coriolano*.

In the latter ages of the republic, no one could stand candidate who was not present, and did not declare himself within the legal days; that is, before the *comitia* were summoned, *Sall. Cat.* 18. *Cic. Fam.* xvi. 12. and whose name was not received by the magistrates: for they might refuse to admit any one they pleased (*nomen accipere, vel rationem ejus habere*), but not without assigning a just cause, *Liv.* iii. 35. v. 14. xxiv. 7, 8. *Val. Max.* iii. 8. 3. *Vell.* ii. 92. The opposition of the consuls, however, might be overruled by the Senate, *Liv.* iii. 21.

For a long time before the time of election, the candidates endeavoured to gain the favour of the people by every popular art, *Cic. Att.* i. 1.; by going round their houses (*ambiendo*), by shaking hands with those they met (*prensando*), by addressing them in a kindly manner, and naming them, &c.; on which account they commonly had along with them a monitor or NOMENCLATOR, who whispered in their ears every body's name, *Horat. Ep.* i. 6. 50. &c. [*Cic. ad Att.* iv. 1.] Hence Cicero calls candidates *natio officiosissima*, in *Pis.* 23. On the market-days they used anciently to come into the assembly of the people, and take their station on a rising ground (*in colle consistere*), whence they might be seen by all, *Macrob. Sat.* i. 16. When they went down to the *Campus Martius*, at certain times, they were attended by their friends and dependents, who were called DEDUCTORES, *Cic. de pet. cons.* 9. They had likewise persons to divide money among the people (DIVISORES, *Cic. Att.* i. 17. *Suet. Aug.* 3.). For this, although forbidden by law, was often done openly, and once against Cæsar, even

\* Hence *cretata ambitio*, *Pers.* v. 177.

with the approbation of Cato, *Suet. Jul.* 19. There were also persons to bargain with the people for their votes, called INTERPRETES, and others in whose hands the money promised was deposited, called SEQUESTRES, *Cic. Act. in Verr.* i. 8. 12. Sometimes the candidates formed combinations (*coitiones*) to disappoint (*ut dejicerent*) the other competitors, *Cic. Att.* ii. 18. *Liv.* iii. 35.

Those who opposed any candidate, were said *ei refragari*, and those who favoured him, *suffragari* vel *suffragatores esse*: hence *suffragatio*, their interest, *Liv.* x. 13. Those who got one to be elected were said, *ei præturam gratiâ campestri capere*, *Liv.* vii. 1. or *eum trahere*; thus *Pervicit Appius, ut, dejecto Fabio, fratrem traheret*, *Liv.* xxxix. 32. Those who hindered one from being elected, were said, *a consulatu repellere*, *Cic. in Cat.* i. 10.

#### 4. THE MANNER OF PROPOSING A LAW, AND OF NAMING A DAY FOR ONE'S TRIAL.

WHEN a law was to be passed at the *Comitia Centuriata*, the magistrate who was to propose it (*laturus* v. *rogaturus*), having consulted with his friends and other prudent men, whether it was for the advantage of the republic, and agreeable to the customs of their ancestors, wrote it over at home; and then, having communicated it to the senate, by their authority (*ex Senatus consulto*) he promulgated it; that is, he pasted it up in public, (*publicè* v. *in publico proponebat*; *promulgabat*, quasi *provulgabat*, Festus,) for three market-days, that so the people might have an opportunity of reading and considering it, *Cic. Verr.* 5. 69. In the mean time he himself (*legislator* vel *inventor legis*, *Liv.* ii. 56.) and some eloquent friend, who was called AUCTOR legis, or SUASOR, every market-day read it over (*recitabat*), and recommended it to the people (*suadebat*), while others who disapproved it, spoke against it (*dissuadebant*). But in ancient times all these formalities were not observed: thus we find a law passed the day after it was proposed, *Liv.* iv. 24.

Sometimes the person who proposed the law, if he did it by the authority of the senate, and not according to his own opinion, spoke against it, *Cic. Att.* i. 14.

In the same manner, when one was to be tried for treason, (*cùm dies perduellionis dicta est, cùm actio perduellionis intendebatur*, *Cic.* vel *cum aliquis capitis v.-te anquireretur*, *Liv.*) it behoved the accusation to be published for the same space of time, (*promulgatur rogatio de mea pernicie*, *Cic. pro Sext.* 20.) and the day fixed when the trial was to be (*proditâ die, qua judicium futurum sit*, *Cic.*). In the mean time the person accused (REUS) changed his dress, laid aside every kind of ornament, let his hair and beard grow (*promittebat*), and in this mean garb (*sordidatus*), went round and solicited the favour of the people (*homines prensabat*). His nearest relations and friends also did the same, *Liv. passim*. This kind of trial was generally capital, *Liv.* vi. 20., but not always so, *Id.* xliii. 16. *Cic. pro. Dom.* 32. See *Lex Porcia*.

5. THE MANNER OF TAKING THE AUSPICES.

ON the day of the *comitia*, he who was to preside at them (*qui iis præfuturus erat*), attended by one of the augurs (*augure adhibito*), pitched a tent (*tabernaculum cepit*) without the city to observe the omens (*ad auspicia captanda, vel ad auspicandum*).<sup>\*</sup> These Cicero calls AUGUSTA CENTURIARUM AUSPICIA, *pro Mil.* 16. Hence the Campus Martius is said to be *consularibus auspiciis consecratus*, Cic. in Cat. iv. 1., and the *comitia* themselves were called AUSPICATA, *Liv.* xxvi. 2.

If the TABERNACULUM, which perhaps was the same with *templum* or *arx*, the place which they chose to make their observations (*ad inaugurandum*, *Liv.* i. 6, 7. 18.), had not been taken in due form (*parum rectè captum esset*), whatever was done at the *comitia* was reckoned of no effect (*pro irritò habebatur*), *Liv.* iv. 7. Hence the usual declaration of the augurs (*augurum solennis pronuntiatio*); VITIO TABERNACULUM CAPTUM; VITIO MAGISTRATUS CREATOS vel VITIOSOS; VITIO LEGEM LATAM; VITIO DIEM DICTAM, *Cic. & Liv. passim*. And so scrupulous were the ancient Romans about this matter, that if the augurs, at any time afterwards, upon recollection, declared that there had been any informality in taking the auspices, (*vitium obvenisse*, Cic. in auspicio vitium fuisse, *Liv.*) the magistrates were obliged to resign their office, (*utpote vitiosi v. vitio creati*, as having been irregularly chosen,) even several months after they had entered upon it, *Liv. ibid.* *Cic. de Nat. Deor.* ii. 4.†

When there was nothing wrong in the auspices, the magistrates were said to be SALVIS AUSPICIIIS creati, Cic. Phil. ii. 33.

When the consul asked the augur to attend him (*in auspicium adhibebat*), he said, Q. FABI, TE MIHI IN AUSPICIO ESSE VOLO. The augur replied, AUDIVI, *Cic. Div.* ii. 34.

There were two kinds of auspices which pertained to the *Comitia Centuriata*. The one was, observing the appearances of the heavens (*servare de cælo vel cælum*), as lightning, thunder, &c., which was chiefly attended to. The other was the inspection of birds. Those birds which gave omens by flight, were called PRÆPETES; by singing, OSCINES; hence the phrase, *si avis occinuerit*, *Liv.* vi. 41. x. 40. When the omens were favourable, the birds were said ADDICERE vel ADMITTERE; when unfavourable, ABDICERE, NON ADDICERE, vel REFRAGARI.

Omens were also taken from the feeding of chickens. The person who kept them was called PULLARIUS. If they came too slowly out of the cage (*ex caveâ*), or would not feed, it was a bad omen, *Liv.* vi. 41.; but if they fed greedily, so that something fell from the mouth, and struck the ground (*terram paviret, i. e. feriret*), it was hence called TRIPUDIUM SOLISTIMUM, (*quasi terripavium* vel

\* "The person who sought for auspices used to rise in the stillness of midnight, to determine in his mind the limits of the celestial temple, and then wait for presaging appearances."—*Nieb.* i. p. 188.

† The senate, at the motion of the consul Philippus, A. U. 662, abrogated all the laws of Drusus by one decree, declaring that they had been carried contrary to the auspices, and that the people were not bound by them; which power, says Cicero, was frequently assumed by the senate. —*Hooke's Rom. Hist.* vol. iv. p. 150.



*terripudium*, Cic. Div. [i. 15.] ii. 34. Festus in Puls.) Liv. x. 40. Plin. x. 21. s. 24., and was reckoned an excellent omen (*auspiciū egregium vel optimum*), *ibid.*

When the augur declared that the auspices were unexceptionable (*omni vitio carere*), that is, that there was nothing to hinder the *comitia* from being held, he said *SILENTIUM ESSE VIDETUR*, Cic. de Div. ii. 34.; but if not, he said *ALIO DIE*, Cic. de Legg. ii. 12., on which account the *comitia* could not be held that day. Thus, *Papirio legem ferenti triste omen diem diffidit*, i. e. *Rem in diem posterum rejicere coëgit*, Liv. ix. 38.

This declaration of the augur was called *NUNTIATIO*, or *obnuntiatio*. Hence Cicero says of the augurs, *NOS NUNTIATIONEM SOLUM HABEMUS; ET CONSULES ET RELIQUI MAGISTRATUS ETIAM SPECTATIONEM*, v. *inspectionem*, Cic. Phil. ii. 32.; but the contrary seems to be asserted by Festus (*in voce SPECTIO*), and commentators are not agreed how they should be reconciled. It is supposed that there should be a different reading in both passages, *Vid. Abram. in Cic. & Scaliger. in Fest.*

Any other magistrate, of equal or greater authority than he who presided, might likewise take the auspices; especially if he wished to hinder an election, or prevent a law from being passed. If such magistrate therefore declared, *SE DE CŒLO SERVASSE*, that he had heard thunder, or seen lightning, he was said *OBNUNTIARE*, (*augur auguri, consul consuli obnuntiavisti*, al. *nuntiasti*, Cic. Phil. ii. 33.) which he did by saying *ALIO DIE*: whereupon by the *Lex Ælia et Fusia*, the *comitia* were broken off (*dirimebantur*), and deferred to another day. Hence *obnuntiare concilio aut comitiis*, to prevent, to adjourn; and this happened, even if he said that he had seen what he did not see (*si auspicia ementitus esset*), because he was thought to have bound the people by a religious obligation, which must be expiated by their calamity or his own, Cic. Phil. ii. 33. Hence, in the edict whereby the *comitia* were summoned, this *formula* was commonly used, *NE QUIS MINOR MAGISTRATUS DE CŒLO SERVASSE VELIT*: which prohibition Clodius, in his law against Cicero, extended to all the magistrates, Dio. xxxviii. 13.

The *comitia* were also stopped, if any person, while they were holding, was seized with the falling sickness or epilepsy, which was hence called *MORBUS COMITIALIS*; or if a tribune of the commons interceded by the solemn word *VETO*, Liv. vi. 35., or any magistrate of equal authority with him who presided interposed, by wasting the day in speaking, or by appointing holy days, &c. Cic. ad Fratr. ii. 6.: and also if the standard was pulled down from the Janiculum, as in the trial of Rabirius, by Metellus the prætor, Dio. xxxvii. 27.

The *comitia* were also broken off by a tempest arising; but so, that the election of those magistrates who were already created, was not rendered invalid (*ut jam creati non vitiosi redderentur*), Liv. xl. 59. Cic. de Div. ii. 18., unless when the *comitia* were for creating censors.



## 6. THE MANNER OF HOLDING THE COMITIA CENTURIATA.

WHEN there was no obstruction to the *comitia*, on the day appointed, the people met in the *Campus Martius*. The magistrate who was to preside, sitting in his curule chair on a tribunal (*pro tribunali*), Liv. xxxix. 32., used to utter a set form of prayer before he addressed the people, Liv. xxxix. 15., the augur repeating over the words before him (*augure verba præeunte*, Cic.). Then he made a speech to the people about what was to be done at the *comitia*.

If magistrates were to be chosen, the names of the candidates were read over. But anciently the people might choose whom they pleased, whether present or absent, although they had not declared themselves candidates, Liv. *passim*.

If a law was to be passed, it was recited by a herald, while a secretary dictated it to him (*subjiciente scribâ*), and different persons were allowed to speak for and against it, Liv. xl. 21. A similar form was observed at trials, because application was made to the people about the punishment of any one, in the same manner as about a law. Hence *irrogare poenam*, vel *mulctam*, to inflict or impose.

The usual beginning of all applications to the people (*omnium rogationum*), was VELITIS, JUBEATIS, QUIRITES, and thus the people were said to be consulted, or asked (*consuli vel rogari*), and the consuls to *consult* or ask them, Cic. & Liv. *passim*. Hence *jubere legem vel rogationem*, also DECERNERE, to pass it, Sall. Jug. 40.; *vetare*, to reject it; *rogare magistratus*, to create or elect, Sall. Jug. 29. *Rogare quæsitores*, to appoint judges or inquisitors, Ib. 40. So *jussa et vetita populi* in jubendis v. sciscendis legibus, Cic. de Legg. ii. 4. *Quibus*, sc. Silano et Murenæ, *consulatus, me rogante*, i. e. præsidente, *datus est*, Id. pro Mur. 1. Then the magistrate said, SI VOBIS VIDETUR, DISCEDITE, QUIRITES; or ITE IN SUFFRAGIUM, BENE JUVANTIBUS DIIS, ET QUÆ PATRES CENSUERUNT, VOS JUBETE, Liv. xxxi. 7. Whereupon the people, who as usual, stood promiscuously, separated every one to his own tribe and century, Ascon. in Cic. pro Corn. Balbo. Hence the magistrate was said *mittere populum in suffragium*; and the people *inire vel ire in suffragium*, Cic. & Liv. *passim*.

Anciently the centuries were called to give their votes according to the institution of Servius Tullius; first the *Equites*, and then the centuries of the first class, &c.; but afterwards it was determined by lot (*SORTITIO fiebat*) in what order they should vote. When this was first done is uncertain. The names of the centuries were thrown into a box (*in sitellam*; *sitella defertur*, Cic. N. D. i. 38. *Sitella allata est, ut sortirentur*, Liv. xxv. 3.), and then the box being shaken, so that the lots might lie equally (*sortibus æquatis*), the century which came out first gave its vote first, and hence was called PRÆROGATIVA, Liv. v. 18. Those centuries which followed next, were called PRIMO VOCATÆ, Liv. v. 15. 22. The rest JURE VOCATÆ, Liv. xxvii. 6. But all the centuries are usually called *jure vocatæ*, except the *prærogativa*. Its vote was held of the greatest importance, (*ut nemo unquam prior eam tulerit, quin renunciatus sit*, Cic. pro Planc. 20. Div. ii. 40. Mur. 18. Liv. xxvi. 22.) Hence PRÆROGATIVA is put for a sign or pledge, a favourable omen or intimation of any thing future; *Supplicatio est prærogativa triumphi*,

Cic. Fam. xv. 5. So Act. Verr. 9. Plin. vii. 16. xxxvii. 9. s. 46., for a precedent or example, *Liv.* iii. 51., a choice, *Id.* xxi. 3., or favour, *Id.* xxviii. 9., and among later writers for a peculiar or exclusive privilege.

When tribes are mentioned in the *Comitia Centuriata*, *Liv.* x. 13., it is supposed that, after the centuries were included in the tribes, the tribes first cast lots; and that the tribe which first came out was called PRÆROGATIVA TRIBUS; and then that the centuries of that tribe cast lots which should be the *prærogativa centuria*. \* Others think that in this case the names of tribes and centuries are put promiscuously the one for the other. But Cicero calls *centuria pars tribus*; and that which is remarkable, in the *Comitia Tributa*, pro Planc. 20.

Anciently the citizens gave their votes by word of mouth; and in creating magistrates, they seem to have each used this form, CON-  
SULES, &c. NOMINO vel DICO, *Liv.* xxiv. 8, 9.; in passing laws, UT  
ROGAS, VOLO vel JUBEO, *Cic. de Legg.* ii. 10. The will or command  
of the people was expressed by VELLE, and that of the senate by  
CENSERE, *Sall. Jug.* 21.; hence *leges magistratusque* ROGARE, to make,  
*Liv.* i. 17.

Sometimes a person nominated to be consul, &c. by the prærogative century, declined accepting, *Liv.* v. 18. xxvi. 22. or the magistrate presiding disapproved of their choice, and made a speech to make them alter it. Whereupon the century was recalled by a herald to give its vote anew, (*in suffragium revocata*; thus, REDITE IN SUFFRAGIUM, *Liv. ibid.*) and the rest usually voted the same way with it (*auctoritatem prærogativæ secutæ sunt; eosdem consules ceteræ centuriæ sine variatione ullâ dixerunt*, *Liv.* xxiv. 8, 9.). In the same manner, after a bill had been rejected by almost all the centuries, on a subsequent day (*alteris comitiis*), we find it unanimously enacted; as about declaring war on Philip, AB HAC ORATIONE IN SUFFRAGIUM MISSI, UT ROGARAT, BELLUM JUSSERUNT, *Liv.* xxxi. 8.

But in later times, that the people might have more liberty in voting, it was ordained by various laws, which were called LEGES TABELLARIÆ, that they should vote by ballot [*“occultis de honore suffragiis*, *Cic. de Off.* ii. 7.” — *T.*]; first in conferring honours, by the *Gabinian* law, made A. U. 614, *Cic. de Amic.* 12. *Plin. Ep.* iii. 20.; two years after, at all trials except for treason, by the *Cassian* law, *Cic. Brut.* 25. 27.; in passing laws, by the *Papirian* law, A. U. 622, and lastly, by the *Cælian* law, A. U. 630; also in trials for treason, which had been excepted by the *Cassian* law, *Cic. de Legg.* iii. 16. The purpose of these laws was to diminish the influence of the nobility, *Ibid.* & *Cic. Planc.* 6.

The centuries being called by a herald in their order, moved from the place where they stood, and went each of them into an enclosure (SEPTUM vel OVILE), which was a place surrounded with boards (*locus tabulatis inclusus*), and near the tribunal of the consul [*Ovid. F.* i. 52.]. Hence they were said to be *intrò vocatæ*, sc. *in ovile*, *Liv.* x. 13. There was a narrow passage to it raised from the ground, called PONS or PONTICULUS, by which each century went up one

\* “ See Hooke’s Rom. Hist. vol. iii. p. 100. *Liv.* xxiv. 7. 9.” — *T.*

after another, *Suet. Jul.* 80. Hence old men at sixty (SEXAGENARIJ) were said DE PONTE DEJICI; and were called DEPONTANI, because after that age they were exempted from public business, *Varro & Festus*; to which Cicero alludes, *Rosc. Am.* 35. [*Ovid. F.* v. 633.] But a very different cause is assigned for this phrase, both by Varro and Festus.

There were probably as many *Pontes* and *Septa*, or *Ovilia*, as there were tribes and centuries. Hence Cicero usually speaks of them in the plural; thus, *Pontes Lex Maria fecit angustos*, de Legg. iii. 17. *Operæ Clodianæ pontes occupârunt*, Att. i. 14. *Cæpio cum bonis viris impetum facit, pontes dejicit*, ad Herenn. i. 12. *Cum Clodius in septa irruisset*, pro Mil. 15. So, *miseræ maculavit ovilia Romæ*, Lucan. Pharsal. ii. 197.

Some think that each tribe and century voted in its own *ovile*, Serv. in Virg. Ecl. i. 34. But this does not seem consistent with what we read in other authors.

At the entrance of the *pons*, each citizen received from certain officers, called DIRIBITORES, or *distributores*, ballots (*tabulæ* vel *tabellæ*), on which, if magistrates were to be created, were inscribed the names of the candidates, not the whole names, but only the initial letters, *Cic. pro Dom.* 43.; and they seem to have received as many tablets as there were candidates. We read of other tables being given in than were distributed, which must have been brought from home, *Suet. Jul.* 80.; but as no regard was paid to them, this seldom happened. The same thing took place, also, under the Emperors, when the right of electing magistrates was transferred from the people to the senate, *Plin. Ep.* iv. 25.

If a law was to be passed, or any thing to be ordered, as in a trial, or in declaring war, &c. they received two tablets; on the one were the letters U. R. i. e. UTI ROGAS, sc. *volo* vel *jubeo*, I am for the law: and on the other, A. for ANTIQUO, i. e. *Antiqua probo, nihil novi statui volo*, I like the old way, I am against the law. Hence *antiquare legem*, to reject it.

Of these tablets every one threw which he pleased into a chest (*in cistam*) at the entrance of the *ovile*, which was pointed out to them by the ROGATORES, who asked for the ballots, and anciently for the votes, when they were given *vivâ voce*, *Cic. de Div.* i. 17. ii. 35. *Nat. D.* ii. 4. Then certain persons, called CUSTODES, who observed that no fraud should be committed in casting lots and voting (*in sortitione et suffragiis*) took out (*educebant*) the ballots, and counted the votes by points marked on a tablet, which was called DIRIMERE *suffragia*, or DIREPTIO *suffragiorum*, Lucan. v. 393.; whence *omne punctum ferre*, for *omnibus suffragiis renunciari*, to gain every vote; and what pleased the majority, was declared by a herald to be the vote of that century. The person who told to the consul the vote of his century (*qui centuriam suam rogavit, et ejus suffragium retulit*; vel *Consules a centuriâ suâ creatos renunciavit, retulit*) was called ROGATOR, *Cic. ib. & de Orat.* ii. 64. Thus all the centuries were called one after another, till a majority of centuries agreed in the same opinion; and what they judged was held to be ratified.

The *Diribitores*, *Rogatores*, and *Custodes*, were commonly persons of the first rank, and friends to the candidates, or favourers of the

law to be passed, who undertook these offices voluntarily, *Cic. in Pis.* 15. *post red. in Sen.* 11. Augustus is supposed to have selected 900 of the equestrian order to be *Custodes* or *Rogatores* (*ad custodiendas cistas suffragiorum*), *Plin.* xxxiii. 2. s. 7.

If the points of any century were equal, its vote was not declared, but was reckoned as nothing, except in trials, where the century which had not condemned was supposed to have acquitted.

The candidate who had most votes, was immediately called by the magistrate who presided; and, after a solemn prayer, and taking an oath, was declared to be elected (*renunciatus est*), by a herald, *Cic. pro Leg. Manil.* 1. *pro Muren.* 1. *in Rull.* ii. 2. *Vell.* ii. 92. Then he was conducted home by his friends and dependents with great pomp.

It was esteemed very honourable to be named first, *Cic. pro Leg. Manil.* 1.

Those who were elected consuls, usually crowned the images of their ancestors with laurel, *Cic. Mur.* 41.

When one gained the vote of a century, he was said *ferre centuriam*, and *non ferre vel perdere*, to lose it; so *ferre repulsam*, to be rejected; but *ferre suffragium vel tabellam*, to vote: thus *Meis comitiis non tabellam vindicem tacitæ libertutis, sed vocem vivam tulistis*, *Cic. in Rull.* ii. 2.

The magistrates created at the *Comitia Centuriata* were said *fieri, creari, declarari, nominari, dici, renunciari, designari, rogari, &c.*

In creating magistrates this addition used to be made, to denote the fulness of their right: — *UT QUI OPTIMA LEGE FUERINT; OPTIMO JURE; EO JURE, QUO QUI OPTIMO, Festus in OPTIMA LEX, Cic. in Rull.* i. 11. *Phil.* xi. 12. *Liv.* ix. 34.

When a law was passed, it was said *PERFERRI*; the centuries which voted for it, were said *LEGEM JUBERE, v. ROGATIONEM ACCIPERE, Liv.* ii. 57. iii. 15. 63. & *alibi passim*; those who voted against it, *ANTIQUARE, VETARE, v. NON ACCIPERE. Lex ROGATUR, dum fertur; ABROGATUR, dum tollitur; DEROGATUR legi, v. de lege, cum per novam legem aliquid veteri legi detrahitur; SUBROGATUR, cum aliquid adjicitur; OBROGATUR, cum novâ lege infirmatur, Ulpian and Festus. Ubi duæ contrariæ leges sunt, semper antiquæ obrogat nova,* the new law invalidates the old, *Liv.* ix. 34.

Two clauses commonly used to be added to all laws: — 1. *SI QUID JUS NON FUIT ROGARI, UT EJUS HAC LEGE NIHIL ESSET ROGATUM:* 2. *SI QUID CONTRA ALIAS LEGES EJUS LEGIS ERGO LATUM ESSET, UT EI, QUI EAM LEGEM ROGASSET, IMPUNE ESSET, Cic. Att.* iii. 23.; which clause (*caput*) Cicero calls *TRANSCATITIUM*, in the law of Clodius against himself, because it was *transferred* from ancient laws, *Ibid.*

This sanction used also to be annexed, *NE QUIS PER SATURAM ABROGATO; i. e. per legem in qua conjunctim multis de rebus und rogatione populus consulebatur, Festus. Hence Exquirere sententias per saturam, i. e. passim, sine certo ordine, by the gross or lump, Sall. Jug.* 29. In many laws this sanction was added, *QUI ALITER vel SECUS FAXIT v. FECERIT, SACER ESTO: i. e. ut caput ejus, cum bonis vel familiâ, alicui deorum consecraretur v. sacrum esset:* that it might be lawful to kill the transgressor with impunity, *Liv.* ii. 8. iii. 55. *Cic. pro Balb.* 14.

When a law was passed, it was engraven on brass, and carried to the treasury. It used also to be fixed up in public, in a place where

it might be easily read (*unde de plano*, i. e. from the ground, *legi posset*). Hence, *In Capitolio legum æra liquefacta*, Cic. Cat. iii. 8. *Nec verba minacia fixo ære legebantur*, Ovid. Met. i. 3. *Fixit leges pretio atque refixit*, made and unmade, Virg. Æn. vi. 622. Cic. Phil. xiii. 3. Fam. xii. 1.

After the year of the city 598, when the consuls first began to enter on their office on the first day of January, the *comitia* for their election were held about the end of July, or the beginning of August, unless they were delayed by the intercession of the magistrates, or by inauspicious omens. In the time of the first Punic war, the consuls entered on their office on the ides of March, and were created in January or February, *Liv. passim*. The prætors were always elected after the consuls, sometimes on the same day, *Liv. x. 22.*, or the day after, or at the distance of several days, *Id.* From the time of their election, till they entered on their office, they were called DESIGNATI.

The *comitia* for enacting laws or for trials might be held on any legal day.

### COMITIA TRIBUTA.

In the *Comitia Tributa* the people voted divided into tribes, according to their regions or wards (*ex regionibus et locis*), A. Gell. xv. 27.

The name of *tribes* was derived either from their original number three (*a numero ternario*), or from paying tribute (*a tributo*), *Liv. i. 43.*, or, as others think, from τριπλὺς, *tertia pars tribûs apud Athenienses*, Æolicè τριπλὺς, *unde TRIBUS*. [See p. 60.]

The three tribes were called RAMNENSES or *Ramnes*, TATIENSES or *Titienses* [or *Tities*], and LUCERES. The first tribe was named from Romulus, and included the Roman citizens who occupied the Palatine hill; the second from Titus Tatius, and included the Sabines who possessed the Capitoline hill; and the third from one Lucumo, a Tuscan, or rather from the grove (*a luco*) which Romulus turned into a sanctuary, (*asylum retulit*, Virg. Æn. viii. 342.) and included all foreigners except the Sabines.\* Each of these tribes at

\* “With regard to the regal and priestly offices, it is evident that the full privileges of citizenship belong only to the first two tribes, and that the third, except as to the vestals, stands on a lower footing. Hence, as the whole body of the original citizens are called the patrician houses, the third tribe properly bears the name of the minor houses. The votes of the senators of this class were taken after those of the major houses. The distinguishing epithet answers to the difference in civil rights; which was so trifling between the first two tribes, that the error of Dionysius, in applying the name of minor houses to the second, falls to the ground of itself, as soon as it is pointed out. A certain precedency, indeed, the first tribe must have maintained. The name of the *decem primi*, which occurs in the Latin senate even before their great war with the Romans (*Liv. viii. 3.*), and in all the colonies and municipal towns, denotes, according to the simplest explanation, the ten who were the first in their respective decuries. There were ten such chiefs in the Roman senate likewise (*Val. Max. i. 1. ut decem principum filii singulis Etruriæ populis traderentur*: the same were also sent by the Romans on embassies; even to the plebeians during the secession:) the same undoubtedly who formed the decemvirate of the interrexes, one from each decury. Mention is also made by Dionysius (ix. 4.), of the penal judicature in capital causes having once been confined to the purest tribe: and whatever may be the exact state of the case as to this obscure point,—for that the Tities, even supposing them to have had no share in the capital jurisdiction over the minor



first had its own tribune or commander (*Tribunus vel præfectus*), *Dionys.* iv. 14., and its own augur, *Liv.* x. 6.

Tarquinius Priscus doubled the number of tribes, retaining the same names; so that they were called *Ramnenses primi* and *Ramnenses secundi*, or *posteriores*, &c. *Liv.* i. 36.

But as the *Luceres* in a short time greatly exceeded the rest in number, Servius Tullius introduced a new arrangement, and distributed the citizens into tribes, not according to their extraction, but from their local situation.

He divided the city into four regions or wards, called PALATINA, SUBURBANA, COLLINA, and ESQUILINA, the inhabitants of which constituted as many tribes, and had their names from the wards which they inhabited. No one was permitted to remove from one ward to another, that the tribes might not be confounded, *Dionys.* iv. 14. On which account certain persons were appointed to take an account where every one dwelt, also of their age, fortune, &c. These were called city tribes (TRIBUS URBANÆ), and their number always remained the same.

Servius at the same time divided the Roman territory into fifteen parts (some say sixteen, and some seventeen), which were called country tribes (TRIBUS RUSTICÆ), *Dionys.* iv. 15.

In the year of the city 258, the number of tribes was made twenty-one, *Liv.* ii. 21.\* Here, for the first time, Livy directly takes notice of the number of tribes, although he alludes to the original institution of three tribes, x. 6. Dionysius says, that Servius instituted thirty-one tribes, iv. 15.† But in the trial of Coriolanus, he only mentions twenty-one as having voted, vii. 64., the number of Livy, viii. 64.

The number of tribes was afterwards increased on account of the addition of new citizens at different times, *Liv.* vi. 5. vii. 15. viii. 17. ix. 20. x. 9. *Epit.* xix., to thirty-five, *Liv.* xxiii. 13. *Ascon. in Cic. Verr.* i. 5., which number continued to the end of the republic, *Liv.* i. 43.

After the admission of the Italian states to the freedom of the city, eight or ten new tribes are said to have been added; but this was of short continuance; for they were all soon distributed among the thirty-five old tribes.

For a considerable time, according to the institution of Servius Tullius, a tribe was nothing else but the inhabitants of a certain region or quarter in the city or country: but afterwards this was altered; and tribes came to be reckoned parts not of the city or

houses, must have exercised one over their own members, is indisputable; besides, as I have already noticed, there were two judges for capital causes; — at all events, the account implies a tradition of the precedence of the high Ramnes: (*celsi Ramnes*, *Hor. A. P.* 342.)” — *Nieb.* i. p. 260.

\* By the admission of the Claudian or Crustumine tribe. Niebuhr (i. p. 360.) conjectures that a third part of their territory had been taken from the Romans by Porsenna, it being acknowledged that they were forced to cede that on the Etruscan bank of the Tiber, and thus an exact third of the original tribes disappeared.

† This is an error: it should be *thirty* tribes; on which Niebuhr, i. p. 359., has the following remark: “No one will fail to perceive that the number of thirty plebeian tribes has a striking internal probability; because the patricians and the Latins, between whom the plebs stood in the middle, uniting the two, were both divided into thirty corporations.”

country, but of the state (*non urbis, sed civitatis*). Then every one, leaving the city tribes, wished to be ranked among the rustic tribes.\* This was occasioned chiefly by the fondness of the ancient Romans for a country life, and from the power of the censors, who could institute new tribes, and distribute the citizens, both old and new, into whatever tribes they pleased, without regard to the place of their habitation. But on this subject writers are not agreed. In the year 449, Q. Fabius [hence called *Maximus*, in order to prevent the election of magistrates from falling into the hands of the city mob] separated the meaner sort of people from all the tribes through which they had been dispersed by App. Claudius, and included them in the four city tribes, *Liv. ix. 46*. Among these were ranked all those whose fortunes were below a certain valuation, called PROLETARII; and those who had no fortune at all, CAPITI CENSI, *Gell. xvi. 10*. From this time, and perhaps before, the four city tribes began to be esteemed less honourable than the thirty-one rustic tribes; and some of the latter seem to have been thought more honourable than others, *Cic. pro Balbo, 25. Plin. xviii. 3*. Hence, when the censors judged it proper to degrade a citizen, they removed him from a more honourable to a less honourable tribe (*tribu movebant*); and whoever convicted any one of bribery upon trial, obtained by law as a reward, if he chose, the tribe of the person condemned, *Cic. ibid.*

The rustic tribes had their names from some place; as, *Tribus Aniensis, Arniensis, Cluvia, Crustumina, Falerina, Lemonia, Mæcia, Pomptina, Quirina, Romilia, Scaptia*, [*Velina*, *Pers. Sat. v. 73.*] &c.: or from some noble family; as, *Æmilia, Claudia, Cluentia, Cornelia, Fabia, Horatia, Julia, Minucia, Papiria, Sergia, Terentina, Veturia*, &c.†

Sometimes the name of one's tribe is added to the name of a person, as a surname; thus, *L. Albius Sex. F. Quirina*, *Cic. Quint. 6. M. Oppius, M. F. Terentina*, *Cic. Fam. viii. 8. Att. iv. 16*.

The *Comitia Tributa* began first to be held two years after the creation of the tribunes of the people, A. U. 263, at the trial of Coriolanus, *Dionys. vii. 59*. But they were more frequently assembled after the year 282, when the Publilian law was passed, that the Plebeian magistrates should be created at the *Comitia Tributa*, *Liv. ii. 56*.

The *Comitia Tributa* were held to create magistrates, to elect certain priests, to make laws, and to hold trials.

At the *Comitia Tributa* were created all the *inferior city magistrates*, as the *Ædiles*, both curule and plebeian, the tribunes of the

\* "Appius Cæcus, the censor, allowed the people, who had been classed, as we have already observed, according to the district in which they lived, to rank themselves in any tribe they chose, either in the city, or the country. No sooner was this indulgence granted, than every person, who had been previously enrolled in one of the city tribes, if he was ambitious of distinction, transferred his name to one of the *tribus rusticæ*, and, if possible, to that tribe which was distinguished by the most honourable names." — *Crombie's G. ii. 351*.

† "Whenever a house (*gens*) and a tribe bore the same name, it may be assumed that both were in like manner called after the same *indiges*; and that both performed sacrifices to him, as to a patron of a higher order. Such is Clausus in *Virg. Æn. vii. 707*. *Claudia nunc a quo diffunditur et tribus et gens Per Latium*: he is no more the progenitor of the one than the other." — *Nieb. i. p. 364*.



commons, quæstors, &c. All the *provincial magistrates*, as the pro-consuls, proprætors, &c. also commissioners for settling colonies, &c. The *Pontifex Maximus*, and after the year 650, the other *pontifices*, *augures*, *feciales*, &c. by the Domitian law, *Suet. Ner.* 2. For before that, the inferior priests were all chosen by their respective colleges (*a collegiis suis co-optabantur*). But at the election of the *pontifex maximus*, and the other priests, what was singular, only seventeen tribes were chosen by lot to vote, and a majority of them, namely nine, determined the matter, *Cic. Rull.* ii. 7.

The laws passed at these *comitia* were called PLEBISCITA, (*quæ plebs suo suffragio sine patribus jussit, plebeio magistratu rogante*, Festus,) which at first only bound the Plebeians, but after the year 306, the whole Roman people, *Liv.* iii. 55.\*

*Plebiscita* were made about various things; as about making peace, *Liv.* xxxiii. 10., about granting the freedom of the city, about ordering a triumph when it was refused by the senate, iii. 68., about bestowing command on generals on the day of their triumph, xxvi. 21., about absolving from the laws, which in later times the senate assumed as its prerogative, *Ascon. in Cic. pro Cornel.*, &c.

There were no capital trials at the *Comitia Tributa*; these were held only at the *Centuriata*: but about imposing a fine, *Liv.* iv. 41. And if any one accused of a capital crime did not appear on the day of trial, the *Tributa Comitia* were sufficient to decree banishment against him (*id ei justum exilium esse scivit plebs*), *Liv.* xxvi. 3. xxv. 4.

All those might vote at the *Comitia Tributa* who had the full right of Roman citizens, whether they dwelt at Rome or not. For every one was ranked in some tribe, in which he had a right to vote, *Liv.* xlv. 15. Some had two tribes; one in which they were born, and another, either by right of adoption, as Augustus had the Fabian and Scaptian tribes, *Suet. Aug.* 40., or as a reward for accusing one of bribery (*legis de ambitu præmio*), *Cic. pro Balbo*, 25.

At the *Comitia Tributa*, the votes of all the citizens were of equal force, and therefore the patricians hardly ever attended them. On which account, as some think, they are said to have been entirely excluded from them, *Liv.* ii. 56. 60. But about this writers are not agreed. †

The *comitia* for creating tribunes and plebeian ædiles, were held by one of the tribunes to whom that charge was given, either by lot or by the consent of his colleagues, *Liv.* iii. 64.; but for creating curule ædiles and other inferior magistrates, by the consul, dictator, or

\* Hitherto, as Dr. Taylor observes, they owed their strength chiefly to compact and connivance, rather than proper authority, which they had not, *ob defectum majestatis*. (*Elements of Civil Law*, p. 199.) This motion was brought forward by the consuls themselves at the *Comitia Centuriata*, and as Livy (l. c.) observes, it settled a matter which had hitherto been *veluti in controverso jure*, and armed the tribunes with a very dangerous weapon: *quæ lege tribunitiis rogationibus telum acerrimum datum est*.

† "The meeting of the tribes was the dominion of the tribunes of the people; it was never summoned by a patrician magistrate; when it assembled, the patricians and clients were obliged to withdraw from the forum; but the centuries were an institution to mediate between the two bodies and to unite them, and as such would for this have been needless." — *Nieb.* i. p. 363.

military tribunes; for electing priests, by the consul only, *Cic. ad Brut. 5.*

The *Comitia Tributa* for passing laws and for trials, were held by the consuls, prætors, or tribunes of the commons. When the consul was to hold them, he, by his edict, summoned the whole Roman people; but the tribunes summoned only the plebeians, *Gell. xv. 17.* Hence they are sometimes called *comitia populi*, and sometimes *concilium plebis*: in the one, the phrase was *populus jussit*; in the other, *plebs scivit*. But this distinction is not always observed.\*

The *Comitia Tributa* for electing magistrates were usually held in the Campus Martius, *Cic. Att. i. 1. iv. 3. Ep. Fam. vii. 30.*; but for passing laws and for trials commonly in the forum; sometimes in the Capitol, *Liv. xxxiii. 10.*, and sometimes in the *circus Flaminius*, *Liv. xxvii. 21.*, anciently called *prata Flaminia*, or *circus Apollinaris*, *Id. iii. 63.*, where also Q. Furius, the Pontifex Maximus, held the *comitia* for electing the tribunes of the commons, after the expulsion of the *Decemviri*, *Liv. iii. 54.*

In the forum there were separate places for each tribe marked out with ropes, *Dionys. vii. 59.*

In the Campus Martius, Cicero proposed building, in Cæsar's name, marble enclosures (*septa marmorea*), for holding the *Comitia Tributa*, *Cic. Att. iv. 16.*, which work was prevented by various causes, and at last entirely dropped upon the breaking out of the civil wars; but it was afterwards executed by Agrippa, *Dio. liii. 23. Plin. xvi. 40.*

The same formalities almost were observed in summoning and holding the *Comitia Tributa* as in the other *comitia*, only it was not requisite for them to have the authority of the senate, or that the auspices should be taken. But if there had been thunder or lightning (*si tonuisset aut fulgurâsset*), they could not be held that day. For it was a constant rule from the beginning of the republic, JOVE FULGENTE CUM POPULO AGI NEFAS ESSE, *Cic. in Vatin. 8. Comitiorum solum vitium est fulmen*, *Id. de Div. ii. 18.*

The *Comitia Tributa* for electing magistrates, after the year 598, were held about the end of July or the beginning of August; for electing priests, when there was a vacancy, and for laws and trials, on all comitial days.

Julius Cæsar first abridged the liberty of the *comitia*. He shared the right of creating magistrates with the people; so that, except the competitors for the consulship, whose choice he solely determined himself, the people chose one half, and he nominated (*edebat*) the other. This he did by billets, dispersed through the several tribes, to this effect, CÆSAR DICTATOR ILLI TRIBUI. COMMENDO VOBIS ILLUM, ET ILLUM, UT VESTRO SUFFRAGIO SUAM DIGNITATEM TENEANT, *Suet. Cæs. 41.*

\* The tribes, if there appeared to be any very glaring impropriety in the nature of their decision, were sometimes called back to give their suffrages anew, in order that they might have an opportunity of correcting it. Thus, when the first tribes that gave their suffrages refused Æmilius a triumph, A. U. 586, M. Servilius, a man of consular dignity, prevailed upon the tribunes of the commons to call the tribes back again, and vote afresh. The same consular, with the permission of the tribunes, made a long speech of expostulation to the people, and with such effect, that the tribes unanimously decreed a triumph to Æmilius. — *Hecke's Rom. Hist. b. v. ch. 21.*

Augustus restored this manner of election after it had been dropped for some time during the civil wars which followed Cæsar's death, *Suet. Aug.* 40. *Dio.* liii. 21.

Tiberius deprived the people altogether of the right of election, *Juvenal.* x. 77., and assuming the nomination of the consuls to himself, *Ovid. Pont.* iv. 9. 67., he pretended to refer the choice of the other magistrates to the senate, but, in fact, determined the whole according to his own pleasure, *Tacit. Ann.* i. 15. *Dio. Cass.* lviii. 20. Caligula attempted to restore the right of voting to the people, but without any permanent effect, *Suet. Calig.* 16. The *comitia*, however, were still for form's sake retained. And the magistrates, whether nominated by the senate or the prince, appeared in the Campus Martius, attended by their friends and connections, and were appointed to their office by the people with the usual solemnities, *Plin. Paneg.* 63.

But the method of appointing magistrates under the Emperors, seems to be involved in uncertainty, *Suet. Cæs.* 40. 76. 80. *Aug.* 40. 56. *Ner.* 43. *Vit.* 11. *Vesp.* 5. *Dom.* 10. *Tacit. Ann.* i. 15. *Hist.* i. 77., as indeed Tacitus himself acknowledges, particularly with respect to the consuls, *Ann.* i. 81. Sometimes, especially under good emperors, the same freedom of canvassing was allowed, and the same arts practised to ensure success, as under the republic, *Plin. Ep.* vi. 6. 9. viii. 23. Trajan restrained the infamous largesses of candidates by a law against bribery (*ambitûs lege*); and by ordaining that no one should be admitted to sue for an office who had not a third part of his fortune in land, which greatly raised the value of estates in Italy, *Id.* vi. 19. When the right of creating magistrates was transferred to the senate, it at first appointed them by open votes (*apertis suffragiis*), but the noise and disorder which this sometimes occasioned, made the senate, in the time of Trajan, adopt the method of balloting (*ad tacita suffragia decurrere*), *Plin. Ep.* iii. 20., which also was found to be attended with inconveniences, which Pliny says the Emperor alone could remedy, *Id.* iv. 25. Augustus followed the mode of Julius Cæsar at the *Comitia*, *Dio.* liii. 21., although Mæcenas, whose counsel he chiefly followed, advised him to take this power altogether from the people, *Dio.* lii. 30. As often as he attended at the election of magistrates, he went round the tribes, with the candidates whom he recommended (*cum suis candidatis*), and solicited the votes of the people in the usual manner. He himself gave his vote in his own tribe, as any other citizen (*ut unus e populo*), *Suet. Aug.* 56.

## ROMAN MAGISTRATES.

### DIFFERENT FORMS OF GOVERNMENT, AND DIFFERENT MAGISTRATES AT DIFFERENT TIMES.

ROME was at first governed by kings: but Tarquin, the 7th king, being expelled for his tyranny, A. U. 244, the regal government was abolished, and two supreme magistrates were annually created in place of a king, called CONSULS. In dangerous conjunctures, a DICTATOR was created with absolute authority; and where there

was a vacancy of magistrates, an INTERREX was appointed to elect new ones.

In the year of the city 301, *Liv.* iii. 33., or, according to others, 302, in place of consuls, ten men (DECEMVIRI) were chosen to draw up a body of laws (*ad leges scribendas*). But their power lasted only two years; and the consular government was again restored.

As the consuls were at first chosen only from the patricians, and the plebeians wished to partake of that dignity, after great contests it was at last determined, A. U. 310, that, instead of consuls, six supreme magistrates should be annually created, three from the patricians, and three from the plebeians, who were called MILITARY TRIBUNES (*Tribuni militum consulari potestate*), *Dionys.* xi. 60. There were not, however, always six tribunes chosen; sometimes only three, *Liv.* iv. 6. 16. 25. 42., sometimes four, *Ib.* 31. 35. 44., and sometimes even eight, *Id.* v. 1. \* Nor was one half always chosen from the patricians, and another half from the plebeians. They were, on the contrary, usually all patricians, *Id.* iv. 25. 44. 56. &c., seldom the contrary, *Liv.* v. 12, 13. 18. vi. 30. [In the year 359, they were all plebeians.] For upwards of seventy years, sometimes consuls were created, and sometimes military tribunes, as the influence of the patricians or plebeians was superior, or the public exigencies required; till at last the plebeians prevailed, A. U. 387, that one of the consuls should be chosen from their order, and afterwards that both consuls might be plebeians; which, however, was rarely the case, but the contrary. From this time the supreme power remained in the hands of the consuls, till the usurpation of Sylla, A. U. 672, who, having vanquished the party of Marius, assumed to himself absolute authority, under the title of *Dictator*, an office which had been disused above 120 years. But Sylla having voluntarily resigned his power in less than three years, the consular authority was again restored, and continued till Julius Cæsar, having defeated Pompey at the battle of Pharsalia, and having subdued the rest of his opponents, in imitation of Sylla, caused himself to be created perpetual dictator, and oppressed the liberty of his country, A. U. 706. After this the consular authority was never again completely restored. It was indeed attempted, after the murder of Cæsar in the senate-house on the ides of March, A. U. 710, by Brutus and Cassius

\* Niebuhr (ii. p. 388.) considers that the censors were, in the latter case, included as members of the tribunician college. "By the constitution of 311, the number of military tribunes was reduced to three, who might be chosen out of either order: for the patricians trusted that the power of the presiding magistrate, and the control of the censors over the lists of electors, would enable them to exclude the plebeian candidates; an expectation, in which, after the first election, they were not deceived. Whether consuls or military tribunes were to be appointed, was always decided by the senate: it preferred the former, because, in their case, votes for a plebeian might be peremptorily rejected, without trouble or annoyance: when, however, it was forced to permit the election of tribunes, after the passing of the Æmilian law, and there were no censors, their place was supplied by a warden of the city, who, like them, was necessarily a patrician. The year 350 is the commencement of a totally different magistracy under the same name. The prætorship was separated from the censorship, and united with the tribunate: it was reserved to the patricians, though regarded as one of the places in the tribunician college, which was restored to its original complement of six. The other five were open to both orders without distinction." — *Nieb.* ii. p. 392.

and the other conspirators ; but M. Antonius, who desired to rule in Cæsar's room, prevented it. And Hirtius and Pansa, the consuls of the following year, being slain at Mutina, Octavius, who was afterwards called Augustus, Antony, and Lepidus shared between them the provinces of the republic, and exercised absolute power under the title of TRIUMVIRI *reipublicæ constituendæ*.

The combination between Pompey, Cæsar, and Crassus, commonly called the *first triumvirate*, which was formed by the contrivance of Cæsar, in the consulship of Metellus and Afranius, A. U. 693, *Vell. Pat.* ii. 44. *Horat. Od.* ii. 1., is justly reckoned the original cause of this revolution, and of all the calamities attending it. For the Romans, by submitting to their usurped authority, showed that they were prepared for servitude. It is the spirit of a nation alone which can preserve liberty. When that is sunk by general corruption of morals, laws are but feeble restraints against the encroachments of power. Julius Cæsar would never have attempted what he effected, if he had not perceived the character of the Roman people to be favourable to his designs.

After the overthrow of Brutus and Cassius at the battle of Philippi, A. U. 712, Augustus, on a slight pretext, deprived Lepidus of his command, and having vanquished Antony in a sea-fight at Actium, became sole master of the Roman empire, A. U. 723, and ruled it for many years under the title of PRINCE or EMPEROR (*Princeps vel Imperator*). The liberty of Rome was now entirely extinguished ; and although Augustus endeavoured to establish a civil monarchy, the government perpetually tended to a military despotism, equally fatal to the characters and happiness of prince and people.

In the beginning of the republic, the consuls seem to have been the only stated magistrates, *Liv.* iv. 4. ; but as they, being engaged almost in continual wars, could not properly attend to civil affairs, various other magistrates were appointed at different times, prætors, censors, ædiles, tribunes of the commons, &c. *Ib.* Under the Emperors various new magistrates were instituted.

### OF MAGISTRATES IN GENERAL.

A MAGISTRATE is a person invested with public authority (*Magistratus est qui præsit, Cic. de Legg.* iii. 1. *Dicitur magistratus a magistro. Magister autem est, qui plus aliis potest, Festus*).

The office of a magistrate in the Roman republic was different from what it is among us. The Romans had not the same discrimination betwixt public employments that we have. The same person might regulate the police of the city, and direct the affairs of the empire, propose laws, and execute them, act as a judge or a priest, and command an army, *Liv.* x. 29. *et alibi passim*. The civil authority of a magistrate was called *magistratus* or *potestas*, his judicative power *jurisdictio*, and his military command *imperium*. Anciently all magistrates who had the command of an army were called PRÆTORES, (*vel quòd cæteros præirent, vel quòd aliis præessent, Ascon. in Cic.*)

MAGISTRATUS either signifies a *magistrate* ; as, *Magistratus jussit* : or a *magistracy* ; as, *Titio magistratus datus est, Festus*. So, POTESAS ; as, *Habere potestatem, gerere potestates, esse in v. cum*



*potestate*, to bear an office; *Gabiorum esse potestas*, to be magistrate of Gabii, *Juvenal.* x. 99. *Jurisdictionem tantum in urbe delegari magistratibus solitam, etiam per provincias* POTESTATIBUS demandavit, *Suet.* Claud. 24. MAGISTRATUS was properly a civil magistrate or magistracy in the city; and POTESTAS in the provinces (*Magistratus, vel iis, qui in potestate aliquâ sint, ut putâ proconsul, vel prætor, vel alii, qui provincias regunt*, *Ulpian*). But this distinction is not always observed, *Sallust.* Jug. 63.

When a magistrate was invested with military command by the people, for the people only could do it, he was said *esse in v. cum imperio, in justo v. summo imperio*. (*Cum imperio esse dicitur, cui nominatim est a populo mandatum imperium*, *Festus*.) Thus, *Abstinentiam neque in imperiis, neque in magistratibus præstitit*, i. e. *neque cum exercitui præesset et jus belli gerendi haberet, neque cum munera civilia in urbe gereret*, *Suet.* Cæs. 54. *Nemine cum imperio* (military command) *aut magistratu* (civil authority), *tendente quoquam, quin Rhodum diverteret*, *Id.* Tib. 12. So, *magistratus et imperia capere*, to enjoy offices civil and military, *Id.* Cæs. 75. But we find *Esse in imperio*, simply for *Esse consulem*, *Liv.* iv. 7.; and all those magistrates were said *Habere imperium*, who held great authority and power (*qui et coërcere aliquem possent, et jubere in carcerem duci*, *Paull.* l. 2. ff. de in jus vocando), as the dictators, consuls, and prætors. Hence they were said to do any thing *pro imperio*, *Liv.* ii. 56., to which *Terence* alludes, *Phorm.* i. 4. 19.; whereas the inferior magistrates, the tribunes of the commons, the ædiles, and quæstors, were said *esse sine imperio*, and to act only *pro potestate*, *Liv.* ii. 56. iv. 26. Sometimes *potestas* and *imperium* are joined; thus, *Togatus in republicâ cum potestate imperioque versatus est*, *Cic.* Phil. i. 7.

### DIVISION OF MAGISTRATES.

THE Roman *magistrates* were variously divided; into *ordinary* and *extraordinary*, *greater* and *less*, *curule* and *not curule*; also *patrician* and *plebeian*, *city* and *provincial magistrates*.

The MAGISTRATUS ORDINARII were those who were created at stated times, and were constantly in the republic; the EXTRAORDINARII not so.

The MAGISTRATUS MAJORES were those who had what were called the greater auspices (*quæ minoribus magis rata essent*, *Gell.* xiii. 15.) The *magistratus majores ordinarii* were the consuls, prætors, and censors, who were created at the *Comitia Centuriata*: the *extraordinarii* were the dictator, the master of the horse (*magister equitum*), the interrex, the præfect of the city, &c.

The MAGISTRATUS MINORES ORDINARII were the tribunes of the commons, the ædiles, and quæstors: EXTRAORDINARII, the *præfectus annonæ*, *duumviri navales*, &c.

The MAGISTRATUS CURULES were those who had the right of using the *sella curulis* or chair of state, namely, the dictator, the consuls, prætors, censors, and curule ædiles. All the rest, who had not that right, were called NON CURULES. (*Curules magistratus appellati sunt, quia curru vehebantur*, *Festus*: [they had the privilege of going to the senate in a chariot:] *In quo curru sella curulis erat*,

*supra quam considerent*, Gell. iii. 18.) The *sella curulis* was anciently made of ivory, or at least adorned with ivory; hence Horace calls it, *curule ebur*, Ep. i. 6. 53. The magistrates sat on it in their tribunal on all solemn occasions.

In the beginning of the republic, the magistrates were chosen only from the patricians, but in process of time also from the plebeians, except the *interrex* alone (*quem et ipsum patricium esse, et a patriciis prodi necesse erat*, Cic. pro Domo, 14.). The plebeian magistrates were the *ædiles* and *tribunes* of the commons.

Anciently there was no certain age fixed for enjoying the different offices, Cic. Phil. v. 17. A law was first made for this purpose (LEX ANNALIS) by L. Villius (or L. Julius), a tribune of the commons, A. U. 573, whence his family got the surname of ANNALIS, Liv. xl. 44., although there seems to have been some regulation about that matter formerly, Id. xxv. 2. What was the year fixed for enjoying each office is not fully ascertained. See p. 5. It is certain that the *prætorship* used to be enjoyed two years after the *ædileship*, Cic. Famil. x. 25., and that the 43d was the year fixed for the *consulship*, Cic. Phil. v. 17. If we are to judge from Cicero, who frequently boasts that he had enjoyed every office in its proper year (*æ suo quemque magistratum anno gessisse*), the years appointed for the different offices by the *lex Villia* were, for the *quæstorship* thirty-one, for the *ædileship* thirty-seven, for the *prætorship* forty, and for the *consulship* forty-three. [See p. 107.] But even under the republic popular citizens were freed from these restrictions, *ibid.*, and the emperors granted that indulgence (*annos remittebant*) to whomsoever they pleased, Plin. Ep. vii. 16.; or the senate to gratify them, Dio. liii. 28. The *lex annalis*, however, was still observed, Plin. Ep. iii. 20.

It was ordained by the law of Romulus, that no one should enter on any office, unless the birds should give favourable omens (*nisi aves addixissent vel admisissent*, Liv. i. 36.). And by the CORNELIAN LAW, made by Sulla, A. U. 673, that a certain order should be observed in obtaining preferments; that no one should be *prætor* before being *quæstor*, nor *consul* before being *prætor*; nor should enjoy the same office within ten years, nor two different offices in the same year, Appian de Bell. Civ. i. p. 412. Liv. xxxii. 7. Cic. Phil. xi. 5. Liv. vii. 40. But these regulations also were not strictly observed.

All magistrates were obliged, within five days after entering on their office, to swear that they would observe the laws (*in leges jurare*), Liv. xxxi. 5.; and after the expiration of their office, they might be brought to a trial if they had done any thing amiss, Liv. xxxvii. 57. Suet. Jul. 23.

## KINGS.

ROME was at first governed by kings, not of absolute power nor hereditary, but limited and elective. They had no legislative authority, and could neither make war nor peace without the concurrence of the senate and people, Dionys. ii. 13. Sallust. Catilin. 6.\*

\* "The senate agreed among themselves on the person to be proposed by the *interrex* to the *curies*, whose power was confined to accepting or rejecting him. It was a rogation, as in the case of a law; and hence the *interrex* is said *rogare regem*



The kings of Rome were also priests, and had the chief direction of sacred things, *Dionys.* ii. 14., as among the Greeks, *Virg. Æn.* iii. 80. *Cic. Divin.* i. 40.

The badges of the kings were the *trabea*, i. e. a white robe adorned with stripes of purple, or the *toga prætexta*, a white robe fringed with purple, a golden crown, an ivory sceptre, the *sella curulis*, and twelve lictors, with the *fascæ* and *secures*, i. e. carrying each of them a bundle of rods, with an axe stuck in the middle of them.\*

The badges of the Roman magistrates were borrowed from the Tuscans, *Liv.* i. 8. *Flor.* i. 5. *Sall. Cat.* 51. *fin.* *Dionys.* iii. 61. *Strab.* v. p. 220.

According to Pliny, Romulus used only the *trabea*. The *toga prætexta* was introduced by Tullus Hostilius, and also the *latus clavus*, after he had conquered the Tuscans, *Plin.* ix. 39. s. 63. viii. 48. s. 74.

The regal government subsisted at Rome for 243† years under seven kings, *Romulus*, *Numa Pompilius*, *Tullus Hostilius*, *Ancus Marcius*, *L. Tarquinius Priscus*, *Servius Tullius*, and *L. Tarquinius*, surnamed SUPERBUS from his behaviour; all of whom, except the last, so reigned, that they are justly thought to have laid the foundations of the Roman greatness, *Liv.* ii. 1. Tarquin being universally detested for his tyranny and cruelty, was expelled the city, with his wife and family, on account of the violence offered by his son Sextus to Lucretia, a noble lady, the wife of Collatinus. This revolution was brought about chiefly by means of L. Junius Brutus.

The haughtiness and cruelty of Tarquin inspired the Romans with the greatest aversion to regal government, which they retained ever afterwards. Hence *regiè facere*, to act tyrannically, *regii spiritus*, *regia superbia*, &c.

The next in rank to the king was the TRIBUNUS, or PRÆ-

to put his acceptance to the vote. Afterward the same system continues for a considerable time, in the consular elections, as well as the word *rogare*. When the king had been accepted, the immediate sanction of the gods was sought for by his inauguration. But the inauguration itself was not sufficient to give the full power, the *imperium*, to the new king; it was necessary to invest him with it by a specific law, which he himself proposed, and the rejection of which must have compelled him to resign his dignity. Cicero's view of this regulation was, that freemen deemed the intrusting so great a power a measure so grave and hazardous, that they reserved to themselves a double deliberation." — *Nieb.* i. p. 293. "The king punished disobedience with corporal penalties and fines: yet an appeal lay from such sentences to the assembly of the citizens; a franchise which can only be conceived to have been enjoyed by the patricians (*Cic. de Rep.* ii. 31.). Every ninth day the king held his court: to his tribunal belonged the adjudication of property and persons, the protection of legal possessions; in a word, every thing that was subsequently included in the prætor's jurisdiction." — P. 295.

\* "As a permanent mark of honour (to the memory of Remus), a second throne was set by the side of the king's, with the sceptre, crown, and other badges of royalty." — *Nieb.* i. p. 191.

† "According to the chronology of Fabius, the Roman history from the founding to the taking of the city, divides itself into two portions; 240 years under the kings, and 120 after them; or, to express it differently, into three periods, each containing ten times twelve years; twelve being the number of the birds in the augury of Romulus. This scheme was the bed of Procrustes; to which whatever was known or believed about the early times was fitted." — *Nieb.* i. p. 214.

**PECTUS CELERUM**, who commanded the horse under the king, as afterwards the *magister equitum* did under the dictator.\*

When there was a vacancy in the throne (**INTERREGNUM**), which happened for a whole year after the death of Romulus, on account of a dispute betwixt the Romans and Sabines, about the choice of a successor to him, the senators shared the government among themselves. They appointed one of their number, who should have the chief direction of affairs, with the title of **INTERREX**, and all the ensigns of royal dignity, for the space of five days; after him another, and then another, till a king was created, *Liv. i. 17. Dionys. ii. 57.* †

Afterwards under the republic an *interrex* was created, to hold the elections when there was no consul or dictator, *Liv. iii. 55.*, which happened either by their sudden death, or when the tribunes of the commons hindered the elections by their intercession, *Liv. vi. 35.*

## ORDINARY MAGISTRATES.

### I. CONSULS.

#### 1. THE FIRST CREATION, DIFFERENT NAMES, AND BADGES OF CONSULS.

**AFTER** the expulsion of the kings, A. U. 244, [according to Livy and *Dion. Hal. 245.*] two supreme magistrates were annually created, with equal authority; that they might restrain one another, and not become insolent by the length of their command, *Cic. post red. in Sen. 4. Enrop. i. 9.*

They were anciently called **PRÆTORES**, *Liv. iii. 55. Festus*; also **IMPERATORES**, *Sallust. Cat. 6.*, or **JUDICES**, *Varro de Lat. Ling. v. 7. Liv. iii. 55.*; afterwards **CONSULES**, either from their consulting for the good of the state (*a reipublicæ consulendo*), *Cic.*

\* “ If *patres*, and its derivative *patricii*, were titles of honour for individuals, the name of the whole class, as distinguished from the collective body of Romans, appears to have been *Celeres*. That this was the name of the knights is attested: as also — what is clear from the very nature of all the constitutions of antiquity — that the tribes of Romulus had tribunes; and since the tribunate of the *celeres* is said to have been a magistracy and a priestly office, it is palpably absurd to regard it as the captaincy of a body-guard. If the kings had such a guard, it was formed assuredly out of the numerous clients who must have been settled on their demesnes. The tribunes of all the three tribes were certainly at once leaders in the field, and magistrates and priests in the city; just as a *curion*, in his character of centurion, which was his name too in the army, was captain over a hundred in the Romulian legion: but among the three, the tribune of the principal tribe, as the first, will have enjoyed signal distinctions, which is the reason that only one has been named. Dionysius, however, is an exception to this: who, ii. 64., mentions the *Tribuni Celerum*, like the other priests, as a college.” — *Nieb. i. p. 284.*

† “ According to Livy, when there were but 100 senators, one was nominated in each decury. These together formed a board of ten, in which the regal power and its badges, enjoyed by each *interrex* during five days, devolved in such a manner, that, if no king was created at the expiration of fifty days, the rotation began anew. This statement refers to the superiority of the *Ramnes*; and in it we see the *decem primi*, the ten, each of whom was the first in his decury.” — *Nieb. i. p. 292.*

Dis. 10. Flor. i. 9., or from consulting the senate (*a consulendo senatum*), Cic. de Legg. iii. 3., and people, Varr. L. L. iv. 14., or from their acting as judges (*a judicando*), Quintilian, i. 9. From their possessing supreme command, the Greeks called them ΤΗΛΑΤΟΙ. \*

If one of the consuls died, another was substituted (*subrogatus vel suffectus est*) in his room for the rest of the year; but he could not hold the *comitia* for electing new consuls, Liv. xli. 18. †

The *insignia* of the consuls were the same with those of the kings, except the crown; namely, the *toga prætexta*, *sella curulis*, the sceptre or ivory staff (*scipio eburneus*), and twelve lictors with the *fascæ* and *securæ*.

Within the city the lictors went before only one of the consuls, Liv. ii. 1., and that commonly for a month alternately (*mensibus alternis*). A public servant, called *accensus*, went before the other consul, and the lictors followed; which custom, after it had been long disused, Julius Cæsar restored in his first consulship, Suet. Jul. 20. He who was elder, or had most children, or who was first elected, or had most suffrages, had the *fascæ* first, Gell. ii. 15. Liv. ix. 8. According to Dionysius the lictors at first went before both consuls, and were restricted to one of them by the law of Valerius Poplicola, lib. v. 2. We read in Livy of 24 lictors attending the consuls, ii. 55., but this must be understood without the city.

## 2. THE POWER OF THE CONSULS.

As the consuls at first had almost the same badges with the kings, so they had nearly the same power, Liv. ii. 1. [Cic. de Legg. iii. 7.] But Valerius, called POPLICOLA (*a populo colendo*), took away the *securis* from the *fascæ* (*securim fascibus ademit*), i. e. he took from the consuls the power of life and death, and only left them the right of scourging, at least within the city, Dionys. v. 19.; for without the city, when invested with military command, they still retained the *securis*, i. e. the right of punishing capitally, Liv. xxiv. 9. Dionys. v. 59.

When the consuls commanded different armies, each of them had the *fascæ* and *securæ*; but when they both commanded the same army, they commonly had them for a day alternately (*alternis imperitabant*), Liv. xxii. 41.

Poplicola likewise made a law, granting to every one the liberty of appealing from the consuls to the people; and that no magistrate should be permitted to punish a Roman citizen who thus appealed, Liv. ii. 8.; which law was afterwards once and again renewed, and always by persons of the Valerian family, Id. iii. 55. x. 9. But this privilege was also enjoyed under the kings, Liv. i. 26. viii. 35.

Poplicola likewise ordained, that when the consuls came into an assembly of the people, [i. e. the curies or patricians; see Nieb. i. pp. 437. 465.] the lictors should lower the *fascæ* in token of respect,

\* "Without doubt, the name means nothing more than simply *colleagues*; the syllable *sul* is found in *præsul* and *exsul*, where it signifies *one who is*: thus *consules* is tantamount to *consentes*, the name given to Jupiter's council of gods." — Nieb. i. p. 457.

† "Two died, A. U. 244, Liv. xxvii. 27. 33." — T.

*Liv.* ii. 7., and also, that whoever usurped an office without the consent of the people might be slain with impunity, *Dionys.* v. 19. But the power of the consuls was chiefly diminished by the creation of the tribunes of the commons, who had a right to give a negative to all their proceedings (*omnibus actis intercedere*). Still, however, the power of the consuls was very great, and the consulship was considered as the summit of all popular preferment (*honorum populi finis*), *Cic. pro Planc.* 25.

The consuls were at the head of the whole republic, *Cic. pro Mur.* 35. All the other magistrates were subject to them\*, except the tribunes of the commons. They assembled the people and the senate, laid before them what they pleased, and executed their decrees. The laws which they proposed and got passed, were commonly called by their name. They received all letters from the governors of provinces, and from foreign kings and states, and gave audience to ambassadors. The year was named after them, as it used to be at Athens from one of the Archons, *Cic. de Fat.* 9. Thus, *M. Tullio Cicerone et L. Antonio Consulibus*, marked the 690th year of Rome. Hence *numerare multos consules, for annos*, *Sen. Ep.* 4. *Bis jam penè tibi consul trigesimus instat*, You are near sixty years old, *Martial.* i. 16. 3. And the consuls were said *Aperire annum, fastosque reserare*, *Plin. Pan.* 58. [*Hor. Od.* iii. 8. 12.]

He who had most suffrages was called CONSUL PRIOR, and his name was marked first in the calendar (*in fastis*). He also had the *fascēs* first, and usually presided at the election of magistrates for the next year.†

Every body went out of the way, uncovered their heads, dismounted from horseback, or rose up to the consuls as they passed by, *Sen. Ep.* 64. If any one failed to do so, and the consul took notice of it, he was said to order the lictor ANIMADVERTERE, *Liv.* xxiv. 44. *Suet. Jul.* 80. Acilius the consul ordered the curule chair of Lucullus the prætor to be broken in pieces, when he was administering justice, because he had not risen up to him when passing by, *Dio.* xxxvi. 10. 24. When a prætor happened to meet a consul, his lictors always lowered their fasces, *Dionys.* viii. 44.

In the time of war the consuls possessed supreme command. They levied soldiers and provided what was necessary for their support. They appointed the military tribunes, or tribunes of the legions (in part; for part was created by the people: see *Lex Attilia*), the centurions, and other officers, *Cic. de Legg.* iii. 3. *Polyb.* vi. 34.

The consuls had command over the provinces, *Cic. Phil.* iv. 4., and could, when authorised by the senate, call persons from thence to Rome (*Romam evocare, excire, v. accire*), and punish them, *Cic. in Verr.* i. 38. *Liv.* iii. 4. xxix. 15. They were of so great authority,

\* "Tully (3 *Catil.* 2, 3.) employs the Prætors Flaccus, Pomptinus, and Sulpicius."—T.

† "The nominee of the patricians was deemed the superior in rank, to whom the other (that of the centuries) was attached as his colleague: thus we find M. Fabius, in 274, distinguished above his brother magistrate, and in like manner Appius Claudius in 283: *Liv.* ii. 43. (Patres) M. Fabium consulem creant: Fabio collega Cn. Manlius datur: *ib.* 56. Patres — Appium Claudium — consulem faciunt: collega ei T. Quinctius datur." — *Nieb.* ii. p. 187.

that kings, and foreign nations, in alliance with the republic, were considered to be under their protection, *Cic. pro Sext.* 30.

In dangerous conjunctures, the consuls were armed with absolute power by the solemn decree of the senate, *UT VIDERENT, vel DARENT OPERAM, &c.* Liv. iii. 4. vi. 19. See p. 19. In any sudden tumult or sedition, the consuls called the citizens to arms in this form: *QUI REMPUBLICAM SALVAM ESSE VELIT, ME SEQUATUR, Cic. pro Rabir.* 7. *Tusc. Quæst.* iv. 23.

Under the emperors, the power of the consuls was reduced to a mere shadow; their office then only was to consult the senate, and lay before them the ordinances (*placita*) of the emperors, to appoint tutors, to manumit slaves, to let the public taxes, which had formerly belonged to the censors, *Ovid. Pont.* iv. 5. 18. & *Ep.* ix. 47., to exhibit certain public games and shows, which they also sometimes did under the republic, *Cic. Off.* ii. 17., to mark the year by their name, &c. They retained, however, the badges of the ancient consuls, and even greater external pomp. For they wore the *toga picta* or *palmata*, and had their *fascæ* wreathed with laurel, which used formerly to be done only by those who triumphed.\* They also added the *securis* to the *fascæ*.

### 3. THE DAY ON WHICH THE CONSULS ENTERED ON THEIR OFFICE.

IN the beginning of the republic, the consuls entered on their office at different times; at first, on the 23d or 24th of February (*VII. vel VI. Kal. Mart.*), the day on which Tarquin was said to have been expelled, *Ovid. Fast.* ii. 685., which was held as a festival, and called REGIFUGIUM [or the *Fugalia*], *Festus*; afterwards, on the 1st of August (*Kal. Sext.*), which was at that time the beginning of the year (*i.e.* of the *consular*, not of the civil year, which always began with January), Liv. iii. 6. In the time of the *Decemviri*, on the 15th of May (*Id. Maii*), ib. 36. About fifty years after, on the 15th of December (*Id. Decemb.*), Liv. iv. 37. v. 11. Then on the 1st of July (*Kal. Quinctil.*), Liv. v. 32. viii. 20., which continued till near the beginning of the second Punic war, A. U. 530, when the day came to be the 15th of March (*Id. Mart.*). At last, A. U. 598 or 600 (*Q. Fulvio et T. Annio Coss.*), it was transferred to the 1st of January (*in Kal. Jan.*), which continued to be the day ever after (*DIES SOLENNIS magistratibus ineundis*), Liv. Epit. 47. *Ovid. Fast.* i. 81. iii. 147.

After this the consuls were usually elected about the end of July or the beginning of August. From their election to the 1st of January, when they entered on their office, they were called CONSULES DESIGNATI; and whatever they did in public affairs, they were said to do it by their *authority*, not by their *power*; (*Quod potestate nondum poterat, obtinuit auctoritate*), *Cic. in Pis.* 4. *Sext.* 32. They might however propose edicts, and do several other things pertaining to their office, *Dio.* xl. 66. Among other honours paid to them, they were always first asked their opinion in the senate. See p. 11. — The interval was made so long, that they might have time

\* “Cic. de Div. i. 28. C. Marium cum fascibus laureatis.” — T.

to become acquainted with what pertained to their office; and that inquiry might be made, whether they had gained their election by bribery. If they were convicted of that crime upon trial, they were deprived of the consulship, and their competitors, who accused them, were nominated in their place, *Cic. pro Sull.* 17. 32. They were also, besides being fined, declared incapable of bearing any office, or of coming into the senate, by the *Calpurnian* and other laws, *Cic. pro Cornel. Muren.* 23. &c. as happened to Autronius and Sylla, *Sall. Cat.* 18. Cicero made the punishment of bribery still more severe by the *Tullian* law, which he passed by the authority of the senate, with the additional penalty of a ten years' exile, *pro Mur.* 32. in *Vatin.* 15. *pro Sext.* 64.

The first time a law was proposed to the people concerning bribery was A. U. 397, by C. Pætilius, a tribune of the commons, by the authority of the senate (*auctoribus patribus; ut novorum maximè hominum ambitio, qui nundinas et conciliabula obire soliti erant, comprimeretur*), *Liv.* vii. 15.

On the 1st of January, the senate and people waited on the new consuls (*saktabant*) at their houses (which in aftertimes was called OFFICIUM, *Plin. Ep.* ix. 37.); whence being conducted with great pomp, which was called PROCESSUS CONSULARIS, to the Capitol, they offered up their vows (*vota nuncupabant*), and sacrificed each of them an ox to Jupiter\*; and then began their office (*munus suum suscipiebantur*), by holding the senate, consulting it about the appointment of the Latin holidays, and about other things concerning religion, *Ovid. Pont.* iv. 4. 9. *Liv.* xxi. 63. xxii. 1. xxvi. 26. *Cic. post red. ad Quir.* 5. *Rull.* ii. 34. *Dio. Fragm.* 120. Within five days they were obliged to swear to observe the laws, *Liv.* xxxi. 50., as they had done when elected, *Plin. Pan.* 64, 65. And in like manner, when they resigned their office, they assembled the people, and made a speech to them about what they had performed in their consulship, and swore that they had done nothing against the laws, *ibid.* But any one of the tribunes might hinder them from making a speech, and only permit them to swear, as the tribune Metellus did to Cicero, *Dio.* xxxvii. 38., whereupon Cicero instantly swore with a loud voice, that he had saved the republic and the city from ruin; which the whole Roman people confirmed with a shout, and with one voice cried out, that what he had sworn was true; and then conducted him from the forum to his house with every demonstration of respect, *Cic. in Pis.* 3. *Ep. Fam.* v. 2.

#### 4. THE PROVINCES OF THE CONSULS.

DURING the first days of their office the consuls cast lots, or agreed among themselves, about their provinces (*provincias inter se sortie-*

\* A total disregard of these religious ceremonies occurs in the case of Flaminius, who had been raised to the consulship by the favour of the people, contrary to the inclinations of the senate, A. U. 596. Being apprehensive that the augurs, influenced by his enemies, would, to render his election invalid, pretend some defect in the auspices, he left Rome without performing the usual ceremonies, went to Ariminum (where he had ordered the army to rendezvous), and was there invested with the consulate. The senate sent two of their body to recall him, but he paid no regard to their orders. *Liv.* xxi. 63.



*beantur, aut parabant, vel comparabant: provincias partiti sunt*), Liv. ii. 40. iii. 10. 22. 57. et alibi passim.

A province (PROVINCIA), in its general acceptation, is metaphorically used to signify the office or business of any one, whether private or public; thus, *O Geta, provinciam cepisti duram*, Ter. Phorm. i. 2. 22. So Heaut. iii. 2. 5. Before the Roman empire was widely extended, the province of a consul was simply a certain charge assigned him, as a war to be carried on, &c., or a certain country in which he was to act during his consulship, Liv. ii. 40. 54. 58. iii. 10. 22. 25. v. 32. vii. 6. 12. viii. 1. 29. ix. 41. x. 12. xxvi. 29. xliii. 14, 15. Flor. i. 11.

Anciently these provinces used to be decreed by the senate after the consuls were elected, or had entered on their office, Liv. xxxii. 8. xxxiii. 29. et alibi passim. Sometimes the same province was decreed to both consuls, Id. x. 32. xxxiv. 42. xl. 1. &c. Thus both consuls were sent against the Samnites, and made to pass under the yoke by Pontius, general of the Samnites, at the *Furcæ Caudinæ*, Liv. ix. 1. &c. So Paulus Æmilius and Terentius Varro were sent against Hannibal, at the battle of Cannæ, Id. xxii. 40. xxv. 3. xxvii. 22. &c.

But, by the *Sempronian* law, passed by C. Sempronius Gracchus, A. U. 631, the senate always decreed two provinces for the future consuls before their election, Cic. *pro Dom.* 9. *de Prov. Cons.* 2. *Sall. Jug.* 27., which they, after entering on their office, divided by lot or agreement (*sorte vel comparatione partiti sunt*). In latter times the province of a consul was some conquered country, reduced to the form of a province (see page 66.), which each consul, after the expiration of his office, should command; for during the time of their consulship they usually remained in the city. Hence Cicero says, *Tum bella gerere nostri duces incipiunt, cum auspicia, i. e. consulatum et præturam, posuerunt*, Nat. D. ii. 3. For proprætors and proconsuls had not the right of taking the auspices (*auspicia non habebant*), Cic. *Divin.* ii. 36.

The provinces decreed to the consuls were called PROVINCIAE CONSULARES; to the prætors, PRÆTORIÆ.

Sometimes a certain province was assigned to some one of the consuls, as Etruria to Fabius, both by the decree of the senate, and by the order of the people, Liv. x. 24. Sicily to P. Scipio, xxviii. 38. Greece, and the war against Antiochus, to L. Scipio, by the decree of the senate, Id. xxxvii. 1. This was said to be done *extra ordinem, extra sortem vel sine sorte, sine comparatione*, Id. iii. 2. vi. 30. &c.

It properly belonged to the senate to determine the provinces of the consuls and prætors. In appointing the provinces of the prætors, the tribunes might interpose their negative, but not in those of the consuls, Cic. *de Prov. Cons.* 8. Sometimes the people reversed what the senate had decreed concerning the provinces. Thus the war against Jugurtha, which the senate had decreed to Metellus, was given by the people to Marius, *Sall. Jug.* 73. And the attempt of Marius, by means of the tribune Sulpicius, to get the command of the war against Mithridates transferred from Sylla to himself, by the suffrage of the people, gave occasion to the first civil war at Rome, *Plutarch. in Mar. & Syll. Appian. de Bell. Civ.* 1., and in fact gave both the occasion and the example to all the rest that followed.



So when the senate, to mortify Cæsar, had decreed as provinces to him and his colleague Bibulus, the care of the woods and roads, *Suet. Jul.* 19., Cæsar, by means of the tribune Vatinius, procured from the people, by a new and extraordinary law, the grant of Cisalpine Gaul, with the addition of Illyricum, for the term of five years, *Ibid.* 22. *Cic. pro Dom.* 9. in *Vatin.* 15., and soon after also Transalpine Gaul from the senate, *Suet. ib.* *Dio.* xxxviii. 8.; which important command was afterwards prolonged to him for other five years by the Trebonian law, *Liv. Epit.* 105. *Cic. de Prov. Cons.* 8. *Epist. Fam.* i. 7. (See page 19.)

No one was allowed to leave his province without the permission of the senate, *Liv.* xxix. 19.; which regulation, however, was sometimes violated upon extraordinary occasions, *Liv.* x. 18. xxvii. 43.

If any one had behaved improperly, he might be recalled from his province by the senate, but his military command could only be abolished (*abrogari*) by the people, *Liv.* xxix. 19.

The senate might order the consuls to exchange their provinces, *Liv.* xxvi. 29., and even force them to resign their command, *Id.* v. 32.

Pompey, in his third consulship, to check bribery, passed a law that no one should hold a province till five years after the expiration of his magistracy, *Dio.* xl. 46., and that for these five years, while the consuls and prætors were disqualified, the senators of consular and prætorian rank, who had never held any foreign command, should divide the vacant provinces among themselves by lot. By which law the government of Cilicia fell to Cicero against his will, *Cic. Ep. Fam.* iii. 2. Cæsar made a law, that the prætorian provinces should not be held longer than a year, nor the consular more than two years. But this law, which is much praised by Cicero, was abrogated by Antony, *Cic. Phil.* i. 8.

##### 5. FROM WHAT ORDER THE CONSULS WERE CREATED.

THE consuls were at first chosen only from among the patricians \*, but afterwards also from the plebeians. This important change, although in reality owing to weightier causes, was immediately occasioned by a trifling circumstance. M. Fabius Ambustus, a nobleman, had two daughters, the elder of whom was married to Sulpicius, a patrician, and the younger to C. Licinius Stolo, a plebeian. While the latter was one day visiting her sister, the lictor of Sulpicius, who was then military tribune, happened to strike the door with his rod, as was usual when that magistrate returned home from the forum. The young Fabia, unacquainted with that custom, was frightened at the noise, which made her sister laugh, and express surprise at her ignorance. This stung her to the quick; and upon her return home, she could not conceal her uneasiness. Her father, seeing her dejected, asked her if all was well; but she at first would not give a direct answer; and it was with difficulty he at last drew from her a confession that she was chagrined at being connected with a man who could not enjoy the same honours with her sister's husband. For although it had been ordained by law that the military tribunes

\* Niebuhr thinks otherwise. — Vol. i. p. 458.

should be created promiscuously from the patricians and plebeians, *Liv.* iv. 6., yet for forty-four years after the first institution, A. U. 311, to A. U. 355, no one plebeian had been created, *Liv.* v. 12. vi. 37., and very few afterwards, *Liv.* v. 13. 18. vi. 30. Ambustus, therefore, consoled his daughter with assurances that she should soon see the same honours at her own house which she saw at her sister's. To effect this, he concerted measures with his son-in-law, and one L. Sextius, a spirited young man of plebeian rank, who had every thing but birth to entitle him to the highest preferments.

Licinius and Sextius being created tribunes of the commons, *Liv.* vi. 35., got themselves continued in that office for ten years, *ibid.* 42.; for five years they suffered no curule magistrates to be created, *ibid.* 35., and at last prevailed to get one of the consuls created from among the plebeians, *ibid.* 42.

L. SEXTIUS was the first plebeian consul, *Liv.* vii. 1., and the second year after him, C. Licinius Stolo, *ibid.* 2., from whom the law ordaining one of the consuls to be a plebeian, was called LEX LICINIA, *ibid.* 21.\* Sometimes both consuls were plebeians, *Id.* xxiii. 31., which was early allowed by law, vii. 42. But this rarely happened; the patricians for the most part engrossed that honour, *Liv.* vii. 18, 19. *et alibi passim.* *Sall. Jug.* 63. *Cic. in Rull.* ii. 1. The Latins once required, that one of the consuls should be chosen from among them, *Liv.* viii. 4, 5., as did afterwards also the people of Capua, *Id.* xxxiii. 6.; but both these demands were rejected with disdain.

The first foreigner who obtained the consulship was Cornelius Balbus, *Plin.* viii. 43. s. 44. *Vell.* ii. 51., a native of Cadiz; who became so rich, that at his death, he left each of the citizens residing at Rome, 23 *drachmæ*, or *denarii*, i. e. 16s. 1½*d.*, *Dio.* xlviii. 32.

## 6. THE LEGAL AGE, AND OTHER REQUISITES FOR ENJOYING THE CONSULSHIP.

THE legal age for enjoying the consulship (Ætas CONSULARIS) was forty-three, *Cic. Phil.* v. 17.; and whoever was made consul at that age, was said to be made in his own year (*suo anno*), *Cic. in Rull.* ii. 2.

Before one could be made consul, it was requisite to have gone through the inferior offices of quæstor, ædile, and prætor. It behoved candidates for this office to be present, and in a private station (see p. 81.), and no one could be created consul a second time till after an interval of ten years, *Liv.* vii. 42. x. 13.

But these regulations were not always observed. In ancient times there seem to have been no restrictions of that kind, and even after they were made, they were often violated. Many persons were created consuls in their absence, and without asking it, *Cic. Amic.* 3.,

\* In the year of Rome 397, the *comitia* chose two patricians to the consulship, in violation of this law; but when the tribunes opposed the proceeding, the *interrex*, who presided in the assembly, answered, "That by a law of the twelve tables, whatever the people decreed last was law; and that the votes of the people were their decree.—*Ut quodcunque postremum populus jussisset, id jus ratumque esset, jussum populi et suffragia esse.*"—*Liv.* vii. 17.

and several below the legal age; thus, M. Valerius Corvus at twenty-three, *Liv. vii. 26.*; Scipio Africanus the elder, at twenty-eight, *Id. xxv. 2. xxvi. 18. xxviii. 38.*, and the younger at thirty-eight, *Id. Epit. xlix.* [*"Cic. de Amic. § 3." T.*]; T. Quinctius Flaminius, when not quite thirty, *Plutarch*; Pompey, before he was full thirty-six years old, (*ex S. C. legibus solutus consul antè fiebat, quàm ullam magistratam per leges capere licuisset*, i. e. before by law he could be made ædile, which was the first office properly called *Magistratus*, although that title is often applied also to the quæstorship and tribuneship,) *Cic. pro Leg. Manil. 21.*

To some the consulship was continued for several years without intermission; as to Marius, *Liv. Epit. 67.*, who was seven times consul, and once and again created in his absence, *ibid. et 68. 80.* Several persons were made consuls without having previously borne any curule office, *Liv. xxv. 42. xxxii. 7. Dio. xxxvi. 29.* Many were re-elected within a less interval than of ten years, *Liv. passim.* And the refusal of the senate to permit Cæsar to stand candidate in his absence, or to retain his province, gave occasion to the civil war betwixt him and Pompey, which terminated in the entire extinction of liberty, *Cæs. de Bell. Civ. i. 2, 3.*

#### 7. ALTERATIONS IN THE CONDITION OF THE CONSULS UNDER THE EMPERORS.

JULIUS CÆSAR reduced the power of the consuls to a mere name. Being created perpetual dictator, *Suet. 76.*, all the other magistrates were subject to him. Although the usual form of electing consuls was retained, he assumed the nomination of them entirely to himself, *Cic. Phil. ii. 32. Suet. Jul. 41. 76.\** He was dictator and consul at the same time, *Dio. xliii. 1.*, as Sylla had been before him; but he resigned the consulship when he thought proper, and nominated whom he chose to succeed him. When about to set out against the Parthians, he settled the succession of magistrates for two years to come (*Consules et tribunos plebis in biennium, quos voluit*), *Cic. Att. xiv. 6. Dio. xliii. 51.* He introduced a custom of substituting consuls at any time, for a few months or weeks; sometimes only for a few days, or even hours, *Lucan. v. 397. Suet. Jul. 76. Cic. Fam. vii. 30. Dio. xliii. 36.*; that thus the prince might gratify a greater number with honours. Under Commodus, there were twenty-five consuls in one year, *Lamprid. 6.* The usual number in a year was twelve. But the consuls who were admitted on the first day of January gave name to the year, and had the title of ORDINARIJ, the others being styled SUFFECTI, or *Minores*, *Dio. xlviii. 35.*

The consuls, when appointed by the emperor, *Plin. Ep. ix. 13.*, did not use any canvassing†, but went through almost the same

\* Sylla had set Cæsar the example in the nomination of consuls; for when, during his dictatorship, Lucretius Ofella offered himself as a candidate, Sylla forbade him to stand, and upon his refusal to obey the mandate, sent a centurion, who killed him upon the spot. After this he caused M. Tullius Decula and Cn. Cornelius Dolabella to be elected consuls. This took place A. U. 672.

† Cicero, *Phil. ii. 30.*, says, that in the times before Cæsar, *consulatus petebatur, non rogabatur*; it was canvassed for, not solicited at the hands of an individual.

formalities in other respects as under the republic, *Plin. Pan.* 63, 64, 65. 69. 77. 92. In the first meeting of the senate after their election, they returned thanks to the emperor in a set speech, *Plin. Ep.* iii. 13. 18. *Paneg.* 2. 90, 91. 93., when it was customary to expatiate on his virtues; which was called, *HONORE*, *vel* *IN HONOREM PRINCIPIS CENSERE*, *Id. Pan.* 54., because they delivered this speech, when they were first asked their opinion as consuls elect. (*See p. 11. et Plin. Ep.* vi. 27.) Pliny afterwards enlarged on the general heads, which he used on that occasion, and published them under the name of *PANEGYRICUS* (i. e. λόγος πανηγυρικός, *oratio in conventu habita*, a πανήγυρις, *conventus*, *Cic. Att.* i. 14.) *Nervæ Trajano Augusto dictus*.

Under the emperors there were persons dignified merely with the title, without enjoying the office, of consuls (*CONSULES HONORARII*); as, under the republic, persons who had never been consuls or prætors, on account of some public service, obtained the right of sitting and speaking in the senate, in the place of those who had been consuls or prætors (*loco consulari vel prætorio*, *Cic. Phil.* i. 6. v. 17. *Liv. Epit.* 118.), which was called *auctoritas vel sententia consularis* aut *prætoris*, *Cic. in Vatin.* 7. in *Balb.* 25. So, *allectus inter prætorios*, *Plin. Ep.* i. 14. *Pallanti senatus ornamenta prætoria decrevit*, *Id.* vii. 29. viii. 6.

Those who had been consuls were called *CONSULARES*, *Cic. Fam.* xii. 4., &c.; as those who had been prætors, were called *PRÆTORII*; ædiles, *ÆDILITII*; Quæstors, *QUÆSTORII*.

Under Justinian, consuls ceased to be created, and the year, of consequence, to be distinguished by their name, A. U. 1293. But the emperors still continued to assume that office the first year of their sovereignty. Constantine created two consuls annually; whose office it was to exercise supreme jurisdiction, the one at Rome, and the other at Constantinople.

## II. PRÆTORS.

### 1. INSTITUTION AND POWER OF THE PRÆTOR.

THE name of *PRÆTOR* (*is qui præit jure et exercitu*, Varro, στρατηγός,) was anciently common to all the magistrates, *Liv.* iii. 55. *Ascon.* in *Cic.* Thus the dictator is called *Prætor maximus*, *Liv.* vii. 3. But when the consuls, being engaged in almost continual wars, could not attend to the administration of justice, a magistrate was created for that purpose, A. U. 389, to whom the name of *PRÆTOR* was thenceforth appropriated. He was at first created only from among the patricians, as a kind of compensation for the consulship being communicated to the plebeians; but afterwards, A. U. 418, also from the plebeians, *Liv.* viii. 15. The prætor was next in dignity to the consuls, and was created at the *Comitia Centuriata* with the same auspices as the consuls, whence he was called their *colleague*, *Liv.* vii. 1. viii. 32. *Gell.* xiii. 14. *Plin. Pan.* 77. The first prætor was Sp. Furius Camillus, son to the great M. Furius Camillus, who died the year that his son was prætor, *Liv.* vii. 1.

When one prætor was not sufficient, on account of the number of foreigners who flocked to Rome, another prætor was added, A. U. 510,

to administer justice to them, or between citizens and them (*qui inter cives Romanos et peregrinos jus diceret*, Liv. Epit. xix.—xxii. 36.) hence called PRÆTOR PEREGRINUS.

The two prætors, after their election, determined, by casting lots, which of the two jurisdictions each should exercise.

The prætor who administered justice only between citizens, was called PRÆTOR URBANUS, and was more honourable; whence he was called PRÆTOR HONORATUS, *Ovid. Fast. i. 52.*, MAJOR, *Festus in voce* MAJOR CONSUL; and the law derived from him and his edicts is called JUS HONORARIUM. In the absence of the consuls he supplied their place (*munus consulare sustinebat*), Cic. Fam. x. 12. He presided in the assemblies of the people, and might convene the senate; but only when something new happened, Cic. Fam. xii. 28. He likewise exhibited certain public games, as the *Ludi Apollinares*, Liv. xxvii. 23.; the Circensian and Megalesian games, *Juvenal. xi. 192.*; and therefore had a particular jurisdiction over players, and such people; at least under the emperors, *Tacit. Ann. i. 77.* When there was no censor, he took care, according to a decree of the senate, that the public buildings were kept in proper repair (*sarta tecta exigebat*), Cic. in Verr. i. 50. On account of these important offices, he was not allowed to be absent from the city above ten days, Cic. Phil. ii. 13.

The power of the prætor in the administration of justice was expressed in these three words, DO, DICO, ADDICO. *Prætor* DABAT *actionem et judices*; the prætor gave the form of a writ for trying and redressing a particular wrong complained of, and appointed judges or a jury to judge in the cause; DICEBAT *jus*, pronounced sentence; ADDICEBAT *bona vel damna*, adjudged the goods of the debtor to the creditor, &c.

The days on which the prætor administered justice were called DIES FASTI (*a fando, quòd iis diebus hæc tria verba fari licebat*). Those days on which it was unlawful to administer justice, were called NEFASTI.

*Ille NEFASTUS erit, per quem TRIA VERBA silentur :  
FASTUS erit, per quem lege licebit agi.*

Ovid. Fast. i. 47.

## 2. EDICTS OF THE PRÆTOR.

THE *Prætor Urbanus*, when he entered on his office, after having sworn to the observance of the laws, published an edict (EDICTUM), or system of rules (*Formula*), according to which he was to administer justice for that year; whence it is called by Cicero, LEX ANNUA, Cic. in Verr. i. 42. Having summoned an assembly of the people, he publicly declared (EDICEBAT) from the *Rostra* (*cùm in concionem adscendisset*) what method he was to observe (*quæ observaturus esset*) in administering justice, Cic. de Fin. ii. 22. This edict he ordered, not only to be recited by a herald, *Plaut. in Prolog. Pænuli*, 11., but also to be publicly pasted up in writing, (*Scriptum in ALBO* (i. e. in *tabulâ dealbatâ*, vel, ut alii dicunt, *albis literis notatâ*), publicè proponi, unde de PLANO (i. e. de humo,) rectè legi posset; in large letters (*literis majusculis*), Suet. Calig. 41. These words

used commonly to be prefixed to the edict, **BONUM FACTUM**, *Suet. Jul.* 80. *Vitel.* 14. *Plaut. ibid.*

Those edicts which the prætor copied from the edicts of his predecessors were called **TRALATITIA**; those which he framed himself, were called **NOVA**; and so any clause or part of an edict, **CAPUT TRALATITIUM** vel **NOVUM**, *Cic. in Verr.* i. 45. But as the prætor often, in the course of the year, altered his edicts through favour or enmity, *Cic. in Verr.* i. 41. 46., this was forbidden, first by a decree of the senate, A. U. 585, and afterwards, A. U. 686, by a law which C. Cornelius got passed, to the great offence of the nobility, **UT PRÆTORES EX EDICTIS SUIIS PERPETUIS JUS DICERENT**, i. e. That the prætors, in administering justice, should not deviate from the form which they prescribed to themselves in the beginning of their office, *Ascon. in Orat. Cic. pro Corn.*, *Dio. Cass.* 36. c. 22, 23. From this time the law of the prætors (**JUS PRÆTORIUM**), became more fixed, and lawyers began to study their edicts with particular attention, *Cic. de Legg.* i. 5., some also to comment on them, *Gell.* xiii. 10. By order of the Emperor Hadrian, the various edicts of the prætors were collected into one, and properly arranged by the lawyer Salvius Julian, the great grandfather of the Emperor Didius Julian; which was thereafter called **EDICTUM PERPETUUM**, or **JUS HONORARIUM**, and no doubt was of the greatest service in forming that famous code of the ROMAN laws called the **CORPUS JURIS**, compiled by order of the Emperor Justinian.

Besides the general edict which the prætor published when he entered on his office, he frequently published particular edicts, as occasion required (**EDICTA PECULIARIA, ET REPENTINA**), *Cic. in Verr.* iii. 14.

An edict published at Rome was called **EDICTUM URBANUM**, *ibid.* 43.; in the provinces, **PROVINCIALE**, *ibid.* 46. *Siciliense*, 45. &c.

Some think that the *Prætor Urbanus* only published an annual edict, and that the *Prætor Peregrinus* administered justice, either according to it, or according to the law of nature and nations. But we read also of the edict of the *Prætor Peregrinus*, *Cic. Fam.* xiii. 59. And it appears that in certain cases he might even be appealed to for relief against the decrees of the *Prætor Urbanus*, *Cic. Verr.* i. 46. *Ascon. in Cic.*, *Cæs. de Bell. Civ.* iii. 20. *Dio.* xlii. 22.

The other magistrates published edicts as well as the prætor: the kings, *Liv.* i. 32. 44.; the consuls, *Liv.* ii. 24. viii. 6.; the dictator, *Liv.* ii. 30. viii. 34.; the censor, *Liv.* xliii. 14. *Nep. in Cat.* 1. *Gell.* xv. 11.; the curule ædiles, *Cic. Phil.* ix. 7. *Plaut. Captiv.* iv. 2. 43.; the tribunes of the commons, *Cic. in Verr.* ii. 41.; the quæstors, *ibid.* iii. 7. So the provincial magistrates, *Cic. Epist. passim*, and under the emperors, the præfect of the city, of the prætorian cohorts, &c. So likewise the priests, as the *pontifices* and *decemviri sacrorum*, *Liv.* xl. 37.; the augurs, *Valer. Max.* viii. 2. 1., and in particular, the *pontifex maximus*, *Tacit. Hist.* ii. 91. *Gell.* ii. 28. All these were called **HONORATI**, *Liv.* xxv. 5. *Ovid. Pont.* iv. 5. 2.; or *Honore honestati*, *Sall. Cat.* 35., *honoribus honorati*, *Vellei.* ii. 124., *honore vel honoribus usi*, *Flor.* i. 13. *Cic. Flacc.* 19.; and therefore



the law which was derived from their edicts was also called *JUS HONORARIUM*. But of all these, the edicts of the prætor were the most important.

The orders and decrees of the emperors were sometimes also called *edicta*, but usually *rescripta*. See p. 21.

The magistrates in composing their edicts took the advice of the chief men of the state; thus, *Consules cum viros primarios atque amplissimos civitatis multos in consilium advocassent, de consilii sententiâ pronuntiârunt*, &c. Cic. Verr. iii. 7.; and sometimes of one another; thus, *Cum collegium prætorium tribuni pleb. adhibuissent, ut res nummaria de communi sententiâ constitueretur; conscripserunt communiter edictum*, Cic. Off. iii. 20. *Marius quod communiter compositum fuerat, solus edixit*, *ibid.*

The summoning of any one to appear in court, was likewise called *Edictum*. If a person did not obey the first summons, it was repeated a second and third time; and then what was called a *peremptory summons* was given (*EDICTUM PEREMPTORIUM dabatur, quod disceptationem perimeret, i. e. ultra tergiversari non pateretur*, which admitted of no farther delay); and if any one neglected it, he was called *contumacious*, and lost his cause. Sometimes a summons of this kind was given all at once, and was called *UNUM PRO OMNIBUS*, or *UNUM PRO TRIBUS*. We read of the senators being summoned to Rome from all Italy by an edict of the prætor, *Liv. xliii. 11.*

Certain decrees of the prætor were called *INTERDICTA*; as about acquiring, retaining, or recovering the possession of a thing, *Cic. Cæcin. 3. 14. 31. Orat. i. 10.*, to which Cicero alludes: *Urbanitatis possessionem quibusvis INTERDICTIS defendamus*, *Fam. vii. 32.*; also about restoring, exhibiting, or prohibiting a thing; whence Horace, *Sat. ii. 3. 217. INTERDICTO huic (sc. insano) omne adimat jus prætor, i. e. bonis interdicat*, the prætor by an interdict would take from him the management of his fortune, and appoint him a curator, *Id. Epist. i. 1. 102.*, according to a law of the Twelve Tables, (*quæ furiosis et malè rem gerentibus bonis INTERDICI jubebat*), *Cic. de Senec. 7.*

### 3. THE INSIGNIA OF THE PRÆTOR.

THE prætor was attended by two lictors in the city, who went before him with the *fascæ*, *Plaut. Epid. i. 1. 26.*, and by six lictors without the city. He wore the *toga prætexta*, which he assumed, as the consuls did, on the first day of his office, after having offered up vows (*voctis nuncupatis*) in the Capitol.

When the prætor heard causes, he sat in the *Forum* or *Comitium*, on a TRIBUNAL (*in*, or oftener *pro tribunali*), which was a kind of stage or scaffold, (*suggestum* v. *-us*), in which was placed the *Sella Curulis* of the prætor, *Cic. Verr. ii. 38. Mart. xi. 99. al. 98.*, and a sword and a spear (*GLADIUS et HASTA*) were set upright before him. The *Tribunal* was made of wood, and movable, *Cic. in Vat. 14. Suet. Cæs. 84.*, so large as to contain the *ASSESSORES*, or counsel, of the prætor, *Cic. de Orat. i. 37.*, and others, *Brut. 84.*, in the form of a square, as appears from ancient coins. But when spacious halls

were erected round the *Forum*, for the administration of justice, called **BASILICÆ**, or *Regiæ sc. ædes vel porticus*, Suet. Aug. 91. Calig. 37. Stat. Silv. i. 1. 29. (*Βασιλικαὶ στέαι*) Zosim. v. 2. Joseph. A. xvii. 11., from their largeness and magnificence, the *Tribunal* in them seems to have been of stone, and in the form of a semicircle, *Vitruv.* v. 1., the two ends of which were called *Cornua*, Tacit. Annal. i. 75., or *Partes Primores*, Suet. Tib. 33. The first *Basilica* at Rome appears to have been built by M. Porcius Cato, the censor, A. U. 566, hence called *Porcia*, Liv. xxxix. 44.

The **JUDICES**, or jury appointed by the Prætor, sat on lower seats, called **SUBSELLIA**, Cic. *Rosc. Am.* 11., as also did the advocates, *Id. de Orat.* i. 62., the witnesses, *Id. Flacc.* 10., and hearers, *Brut.* 84. Suet. Aug. 56. Whence *Subsellia* is put for the act of judging, Suet. Ner. 17., or of pleading, Cic. *de Orat.* i. 8. ii. 33.; thus, *Versatus in utrisque subseiliis, cum summa fama et fide*; i. e. *judicem et patronum egit*, Cic. *Fam.* xiii. 10. A *subseiliis* Allienus, &c. i. e. *causidicus*, a pleader, in *Cæcil.* 15. For such were said *habitare in subseiliis*, *Orat.* i. 62. A *subseiliis in otium se conferre*, to retire from pleading, *Id. Orat.* ii. 33.

The inferior magistrates, when they sat in judgment (*judicia exercabant*), did not use a *Tribunal*, but only *subsellia*; as the tribunes, plebeian ædiles, and quæstors, &c. *Ascon. in Cic. Suet. Claud.* 23.

The benches on which the senators sat in the senate-house were likewise called *subsellia*, Cic. in *Cat.* i. 7. Hence *Longi subseilii judicatio*, the slowness of the senate in decreeing, Cic. *Fam.* iii. 9. And so also the seats in the theatres, circus, &c.; thus, *senatoria subseilia*, Cic. pro *Corn.* 1. *Bis septena subseilia*, the seats of the *Equites*, Mart. v. 28.

In matters of less importance, the prætor judged and passed sentence without form, at any time or in any place, whether sitting or walking; and then he was said **COGNOSCERE**, *interloqui, discutere*, E vel **DE PLANO**; or, as Cicero expresses it, *ex æquo loco*, *Fam.* iii. 8. *Cæcin.* 17. *de Orat.* 6. *non pro, vel e tribunali, aut ex superiore loco*; which expressions are opposed: so Suet. Tib. 33. But about all important affairs he judged in form on his *tribunal*; whence *atque hæc agebantur in conventu palam, de sellâ ac de loco superiore*, Cic. Verr. iv. 40.

The usual attendants (**MINISTRI** vel *apparitores*) of the prætor, besides the lictors, were the **SCRIBÆ**, who recorded his proceedings (*qui acta in tabulas referrent*), Cic. Verr. iii. 78, 79., and the **ACCENSI**, who summoned persons, and proclaimed aloud when it was the third hour, or nine o'clock before noon; when it was mid-day, and when it was the ninth hour, or three o'clock afternoon, *Varr. de Ling. Lat.* v. 9.\*

#### 4. THE NUMBER OF PRÆTORS AT DIFFERENT TIMES.

WHILE the Roman Empire was limited to Italy, there were only two prætors. When Sicily and Sardinia were reduced to the form of a province, A. U. 526, two other prætors were added to govern them, *Liv. Epit.* 20., and two more when Hither and Farther Spain were

\* See below, under the head of Public Servants of the Magistrates.

subdued, *Id.* xxxii. 27, 28. In the year 571, only four prætors were created by the Bæbian law, which ordained, that six prætors and four should be created alternately, *Liv.* xl. 44.; but this regulation seems not to have been long observed.

Of these six prætors two only remained in the city; the other four, immediately after having entered on their office, set out for their provinces. The prætors determined their province, as the consuls, by casting lots, or by agreement, *Liv. passim*.

Sometimes one prætor administered justice both between citizens and foreigners, *Liv.* xxv. 3. xxvii. 38. xxxi. 1. xxxv. 41., and in dangerous conjunctures, none of the prætors were exempted from military service, *Id.* xxiii. 32.

The prætor *Urbanus* and *Peregrinus* administered justice only in private or lesser causes; but in public and important causes, the people either judged themselves, or appointed persons, one or more, to preside at the trial, (*qui quæstioni præessent*, *Cic. pro Cluent.* 29., *quærerent, quæstiones publicas vel judicia exercerent*, *Liv.* iv. 51. xxxviii. 55. *Sallust. Jug.* 40.) who were called QUÆSITORES, or *Quæstores parricidii*, whose authority lasted only till the trial was over. Sometimes a dictator was created for holding trials, *Liv.* ix. 26. But A. U. 604, it was determined, that the *Prætor Urbanus* and *Peregrinus* should continue to exercise their usual jurisdictions; and that the four other prætors should during their magistracy also remain in the city, and preside at public trials; one at trials concerning extortion (*de repetundis*); another, concerning bribery (*de ambitu*); a third, concerning crimes committed against the state (*de majestate*)\*; and a fourth, about defrauding the public treasury (*de peculatu*). These were called QUÆSTIONES PERPETUÆ, *Cic. Brut.* 26., because they were annually assigned (*mandabantur*) to particular prætors, who always conducted them for the whole year (*qui perpetuò exercerent*), according to a certain form prescribed by law; so that there was no need, as formerly, of making a new law, or of appointing extraordinary inquisitors to preside at them, who should resign their authority when the trial was ended. But still, when any thing unusual or atrocious happened, the people or senate judged about the matter themselves, or appointed inquisitors to preside at the trial; and then they were said *extra ordinem quærere*: as in the case of Clodius, for violating the sacred rites of the *Bona Dea*, or Good Goddess, *Cic. Att.* i. 13, 14. 16., and of Milo, for the murder of Clodius, *Cic. pro Mil. &c.*

L. Sulla increased the number of the *quæstiones perpetuæ*, by adding those *de FALSO*, vel *de crimine falsi*, concerning forgers of wills or other writs, coiners or makers of base money, &c.; *de SICARIIS et VENERFICIS*, about such as killed a person with weapons or poison; *et de PARRICIDIS*, on which account he created two additional prætors, A. U. 672; some say four. Julius Cæsar increased the number of prætors, first to ten, A. U. 707, *Dio.* xlii. 51., then to fourteen, *Id.* xliii. 47., afterwards to sixteen, *Ib.* 49. *Tacit. Hist.* iii. 37. Under

\* "Tac. Ann. i. 72. Legem majestatis reduxerat (Tiberius), cui nomen apud veteres idem, sed alia in judicium veniebant; si quis prodicione exercitum, aut plebem seditionibus, denique male gestâ republicâ majestatem populi Romani minuisset."—T.

the *triumviri*, there were 67 prætors in one year, *Dio*. xlviii. 48. 58. Augustus reduced the number to twelve, *Dio* says ten, xliii. 32.; but afterwards made them sixteen, *Pompon. de Orig. Jur.* ii. 28. According to Tacitus, there were no more than twelve at his death, *Annal.* i. 14. Under Tiberius, there were sometimes fifteen and sometimes sixteen, *Dio*. lviii. 20. Claudius added two prætors for the cognisance of trusts (*qui de fidei commissis jus dicerent*). The number then was eighteen; but afterwards it varied.

Upon the decline of the empire, the principal functions of the prætors were conferred on the *præfectus prætorio*, and other magistrates instituted by the emperors. The prætors of course sunk in their importance; under Valentinian their number was reduced to three; and this magistracy having become an empty name (*inane nomen*), *Boeth. de Consol. Philos.* iii. 4., was at last entirely suppressed, as it is thought, under Justinian.

### III. CENSORS.\*

Two magistrates were first created [Papirius and Sempronius], A. U. 312, for taking an account of the number of the people, and the value of their fortunes (*censui agendo*); whence they were called CENSORES, *Liv. et Fest.* (CENSOR, *ad cujus censionem, id est, arbitrium, censeretur populus*, *Varr. L. L.* iv. 14.) As the consuls, being engaged in wars abroad or commotions at home, had not leisure for that business (*non consulibus operæ erat*, sc. pretium, i. e. iis non vacabat *id negotium agere*); the census had been intermitted for seventeen years, *Liv.* iii. 22. iv. 8.

The censors at first continued in office for five years, *Ibid.* But afterwards, lest they should abuse their authority, a law was passed by Mamercus Æmilius the dictator, ordaining, that they should be elected every five years; but that their power should continue only a year and a half (*Ex quinquennali annua ac semestris censura facta est*), *Liv.* iv. 24. ix. 33.

The censors had all the ensigns of the consuls, except the lictors.

The censors were usually chosen from the most respectable persons of consular dignity; at first only from among the patricians, but afterwards likewise from the plebeians. The first plebeian censor was C. Marcius Rutilus, A. U. 404, who also had been the first plebeian dictator, *Liv.* vii. 22. Afterwards a law was made, that one of the censors should always be a plebeian. Sometimes both censors were plebeians, *Liv. Epit.* 59.; and sometimes those were created censors who had neither been consuls nor prætors, *Liv.* xxvii. 6. 11.; but not so after the second Punic war.

The last censors, namely, Paulus and Plancus, under Augustus, are said to have been private persons (PRIVATI), *Dio*. liv. 2.; not that they had never borne any public office before, but to distinguish them from the Emperor; all besides him being called by that name, *Vell.* ii. 99. *Suet. Tacit. et Plin. passim.*

The power of the censors at first was small; but afterwards it became very great. All the orders of the state were subject to them

\* "The most famous censorships are, that of Appius, *Cic. Cato M.* § 6. *Hor.* i. *Sat.* vi. 20., and that of Cato, *Liv.* xxxix. 40." — T.

(*censoribus subjecti*, Liv. iv. 24.). Hence the censorship is called by Plutarch the summit of all preferments (*omnium honorum apex vel fastigium*), in Cat. Maj., and by Cicero *magistra pudoris et modestiæ*, in Pis. 4. The title of Censor was esteemed more honourable than that of Consul, as appears from ancient coins and statues; and it was reckoned the chief ornament of nobility to be sprung from a censorian family, *Valer. Max.* viii. 13. *Tacit. Ann.* iii. 28. *Hist.* iii. 9.

The office of the censors was chiefly to estimate the fortunes, and to inspect the morals of the citizens, *Cic. de Legg.* iii. 3.

The censors performed the *census* in the *Campus Martius*. Seated in their curule chairs, and attended by their clerks and other officers, they ordered the citizens, divided into their classes and centuries, and also into their tribes, *Liv.* xxix. 37., to be called (*citari*) before them by a herald, and to give an account of their fortunes, families, &c. according to the institution of Servius Tullius. (*See p. 76.*) At the same time they reviewed the senate and equestrian order, supplied the vacant places in both\*, and inflicted various marks of disgrace (*notas inurebant*) on those who deserved it. A senator they excluded from the senate-house (*senatu movebant vel ejiciebant*) (*see p. 7.*), an *eques* they deprived of his public horse (*equum adimebant*) (*see p. 24.*), and any other citizen they removed from a more honourable to a less honourable tribe (*tribu movebant*); or deprived him of all the privileges of a Roman citizen, except liberty, (*ærarium faciabant*, *Liv.* *Qui per hoc non esset in albo centuriæ suæ, sed ad hoc esset civis tantum, ut pro capite suo tributum nomine æra penderet*, *Ascon. in Cic.*) or, as it is otherwise expressed, in *tabulas Cæritum*, vel *inter Cæritas referebant*, i. e. *jure suffragii privabant*, *Gell.* xvi. 13. *Strab.* v. p. 220. Hence *Cærite cerdæ digni*, worthless persons, *Horat. Ep.* i. 6. 63. But this last phrase does not often occur. Cicero and Livy almost always use *Ærarium facere*; in vel *inter ærarios referre*.† This mark of disgrace was also inflicted on a senator or an *eques*, and was then always added to the mark of disgrace peculiar to their order; thus, *Censores Mamercum, qui fuerat dictator, tribu moverunt, octuplicatoque censu*, (i. e. having made the valuation of his estate eight times more than it ought, that thus he might be obliged to pay eight times more tribute,) *ærarium fecerunt*, *Liv.* iv. 24. *Omnes quos senatu moverunt, quibusque equos ademerunt, ærarios fecerunt, et tribu moverunt*, xlii. 10. The censors themselves did not sometimes agree about their powers in this respect; Claudius negabat, *Suffragii lationem injussu populi censorem cuiquam homini adimere posse. Neque enim si tribu movere posset, quod sit nihil aliud quàm mutare jubere tribum, ideo omnibus v. et xxx. tribubus emovere posse: id est, civitatem libertatemque eripere, non ubi censeatur finire, sed censu excludere. Hæc inter ipsos disceptata*, &c. *Liv.* xlv. 15.

The censors could inflict these marks of disgrace upon what evidence, and for what cause they judged proper: but, when they expelled from the senate, they commonly annexed a reason to their

\* "Compare Cic. de Legg. iii. 12." — T.

† The name *ærarius* is explained, by Niebuhr, to denote a person who was not a member of a tribe, and, therefore, not liable to military service; upon whom, consequently, a higher rate of tribute was imposed for the pensions of soldiers (*ære militare*). — Vol. i. p. 412.

censure, *Liv. xxxix. 42.*, which was called SUBSCRIPTIO CENSORIA, *Cic. pro Cluent. 43, 44.* Sometimes an appeal was made from their sentence to the people, *Plutarch. in T. Q. Flamin.*

The censors not only could hinder one another from inflicting any censure, (*ut alter de senatu moveri velit, alter retineat; ut alter in aerarios referri, aut tribu moveri jubeat, alter vetet*, *Cic. ibid. Tres ejecti de senatu; retinuit quosdam Lepidus a collegâ præteritos*, *Liv. xl. 51.*) but they might even stigmatise one another, *Liv. xxix. 37.*

The citizens in the colonies and free towns were there enrolled by their own censors, according to the form prescribed by the Roman censors (*ex formulâ ab Romanis censoribus datâ*), and an account of them was transmitted to Rome, *Liv. xxix. 15.* So that the senate might see at one view the wealth and condition of the whole empire, *ibid. 37.* [*Per provincias dimiserunt senatores, ut civium Romanorum in exercitibus, quantus ubique esset, referretur numerus.*]

When the censors took an estimate of the fortunes of the citizens, they were said, *censum agere vel habere*; CENSERE *populi ævitates, soboles, familias, pecuniasque*, *Cic. Legg. iii. 3. Referre in censum*, *Liv. xxxix. 44. Flor. i. 6., or censui ascribere*, *Tacit. Annal. xiii. 51.* The citizens, when they gave in to the censors an estimate of their fortunes, &c. were said, CENSERI *modum agri, mancipia, pecunias, &c. sc. secundum vel quod ad*, *Cic. Flacc. 32. s. 80. Profiteri; in censum deferre vel dedicare*, *Id. Arch. 4. Senec. Ep. 95. annos deferre vel censeri*: thus, *CL. annos (i. e. 150 years old) census est Claudii Caesaris censura T. Fullonius Bononiensis; idque collatis censibus quos antè detulerat, verum apparuit*, *Plin. vii. 49. s. 50.* Sometimes also *censere*; thus, *Prædia censere*, to give in an estimate of one's farms, *Cic. Flacc. 32. Liv. xlv. 15. Prædia censui censendo, sc. apta; i. e. quorum census censeri, pretium æstimari ordinis et tributî causâ potest*: farms, of which one is the just proprietor, *ibid.* Hence, *censeri*, to be valued or esteemed, to be held in estimation; *Cic. Arch. 6. Val. Max. v. 3. ext. 3. Ovid. Am. ii. 15. 2. Senec. Ep. 76. Plin. Pan. 15. De quo censeri, amicus*, from whom or on whose account you are valued, *Ovid. Pont. ii. 5. 73. Privatus illis CENSUS erat brevis*, their private fortune was small, *Horat. Od. ii. 15. 13. exiguus*, *Ep. i. 1. 43., tenuis*, *Id. 7. 76. Equestris, v. -ter*, the fortune of an *Eques*; *CCCC. milia nummum*, 400,000 sesterces, *Plin. Ep. i. 19. Senatorius*, of a senator, *Suet. Vesp. 17. Homo sine censu*, *Cic. Flacc. 52. Ex censu tributa conferre*, *Id. Verr. ii. 63. Cultus major censu*, *Horat. Sat. ii. 3. 328. Dat census honores*, *Ovid. Amor. iii. 8. 56. Census partus per vulnera*, a fortune procured in war, *ibid. 9. Demittere censum in viscera*, i. e. *bona obliquire*, to eat up, *Id. Met. viii. 846. Romani census populi*, the treasury, *Lucan. iii. 157. Breves extendere census*, to make a small fortune go far, *Martial. xii. 6.*

The censors divided the citizens into classes and centuries, according to their fortunes. They added new tribes to the old, when it was necessary, *Liv. x. 9. Epit. 19.* They let the public lands and taxes (see p. 61.), and the regulations which they prescribed to the farmers-general (*mancipibus v. publicanis*) were called *Leges vel Tabulæ Censoriæ*, *Cic. Ver. iii. 6. in Rull. i. 2. Polyb. vi. 15.*

The censors agreed with undertakers about building and repairing the public works, such as temples, porticoes, &c. (*opera publica ædi-*



*ficanda et reficienda* REDEMPTORIBUS *locabant*); which they examined when finished (*probaverunt*, i. e. *rectè et ex ordine facta esse pronunciaverunt*); and caused to be kept in good repair (*sarta tecta exigebant*, sc. *et*), *Liv.* iv. 22. xl. 51. xlii. 3. xlv. 15.\* The expenses allowed by the public for executing these works were called ULTRO-TRIBUTA, *Liv.* xxxix. 44. xliii. 16. *Senec. Benef.* iv. 1. Hence *Ultratributa locare*, to let them, or to promise a certain sum for executing them; *conducere*, to undertake them, *ibid.*

The censors had the charge of paving the streets, and making the public roads, bridges, aqueducts, &c. *Liv.* ix. 29. 43. xli. 27. They likewise made contracts about furnishing the public sacrifices, *Plutarch. in Cat.*, and horses for the use of the curule magistrates, *Liv.* xxiv. 18. *Fest. in Voc.* EQUI CURULES: also about feeding the geese which were kept in the Capitol, in commemoration of their having preserved it, when the dogs had failed to give the alarm, *Cic. pro Rosc. Am.* 20. *Plin.* x. 22. s. 26. xxix. 4. s. 14.

They took care that private persons should not occupy what belonged to the public, *Liv.* iv. 8. And if any one refused to obey their sentence, they could fine him, and distrain his effects till he made payment, *Liv.* xliii. 16.

The imposing of taxes is often ascribed to the censors; but this was done by a decree of the senate and the order of the people†; without which the censors had not even the right of laying out the public money, nor of letting the public lands, *Liv.* xxvii. 11. xl. 46. xli. 27. xlv. 16. *Polyb.* vi. 10. Hence the senate sometimes cancelled their leases (*locationes inducebant*) when they disapproved of them, *Id.* xxxix. 44. For the senate had the chief direction in all these matters, *ibid.*

The censor had no right to propose laws, or to lay any thing before the senate or people, unless by means of the consul or prætor, or a tribune of the commons, *Plin. Hist. Nat.* xxxv. 17. *Liv. loc. cit.*

The power of the censors did not extend to public crimes, or to such things as came under the cognisance of the civil magistrate, and were punishable by law, but only to matters of a private nature, and of less importance; as, if one did not cultivate his ground properly, *Gell.* iv. 12.; if an *eques* did not take proper care of his horse, which was called INCURIA, or *Impolitia*, *ibid.*; if one lived too long unmarried (the fine for which was called *ÆS UXORIIUM*, *Festus*), or contracted debt without cause, &c. *Valer. Max.* ii. 9.; and particularly, if any one had not behaved with sufficient bravery in war, *Liv.* xxiv. 18., or was of dissolute morals, *Cic. Cluent.* 47.; above all, if a person had violated his oath, *Liv. ibid. et Cic. Off.* iii. 31. *Gell.* vii. 18.

\* "Polyb. vi. 17." — *T.*

† "So far were the Romans from regarding taxation as depending on the will of the people, and the determining concerning it as the great business of freedom, that perhaps there is not a single instance, except the duty of five per cent. on manumissions, of the legislature's interfering about it. Even the senate left the regulation of the property tax entirely to the discretion of the censors. Canillus and Albinus laid a heavy burthen on bachelors, and made orphans liable to the ordinary taxes: Cato and Flaccus subjected women's clothes and ornaments, and chariots of more than a certain price, to taxation: they rated the taxable value of high-priced young slaves at ten times the purchase money, and put a higher duty on all these objects, penalty for possessing them." — *Nieb.* ii. p. 402.

The accused were usually permitted to make their defence (*causam dicere*), Liv. loc. cit.

The sentence of the censors (ANIMADVERSIO CENSORIA vel *judicium censoris*) only affected the rank and character of persons. It was therefore properly called IGNOMINIA (*quòd in nomine tantum*, i. e. dignitate *versabatur*), and in later times had no other effect than that of putting a man to the blush, (*nihil fere damnato afferebat præter ruborem*, Cic.) [de Rep. iv. ex Nonio.]

It was not fixed and unalterable, as the decision of a court of law (*non pro re judicatâ habebatur*), but might be either taken off by the next censors, or rendered ineffectual by the verdict of a jury, or by the suffrages of the Roman people. Thus we find C. Gæta, who had been extruded the senate by the censors, A. U. 639, the very next *lustrum* himself made censor, Cic. *pro Cluent.* 42. See p. 7. Sometimes the senate added force to the feeble sentence of the censors (*inerti censoriæ notæ*) by their decree; which imposed an additional punishment, Liv. xxiv. 18.\*

The office of censor was once exercised by a dictator, Liv. xxiii. 22, 23. After Sylla, the election of censors was intermitted for about seventeen years, Ascon. in Cic.

When the censors acted improperly, they might be brought to a trial, as they sometimes were, by a tribune of the commons, Liv. xxiv. 43. xliii. 15, 16. Nay, we find a tribune ordering a censor to be seized and led to prison, Id. ix. 34.; and even to be thrown from the Tarpeian rock, Id. Epit. 59. Plin. vii. 44. s. 45.; but both were prevented by their colleagues, Plin. *ibid.* 43. s. 45.

Two things were peculiar to the censors:—1. No one could be elected a second time to that office, according to the law of C. Martius Rutilus, who refused a second censorship when conferred on him, hence surnamed CENSORINUS, Valer. Max. iv. 1.—2. If one of the censors died, another was not substituted in his room; but his surviving colleague was obliged to resign his office, Liv. xxiv. 43. xxvii. 6. Plutarch. Q. Rom. 50.

The death of a censor was esteemed ominous, because it had happened that a censor died, and another was chosen in his place, in that *lustrum* in which Rome was taken by the Gauls, Liv. v. 31. vi. 27.

The censors entered on their office immediately after their election. It was customary for them, when the *comitia* were over, to sit down on their curule chairs in the Campus Martius before the temple of

\* “A scandalous offender was assuredly always punished with civil degradation by the laws of Rome, as he was with *ἀτιμία* at Athens: the very notion of a *judicium turpe* implies that this was its effect. A guardian or partner convicted of fraud, a perjured witness, a thief or robber, and other criminals of the kind, forfeited their civil rank, and were expelled from their order and their tribe by the sentence that pronounced them guilty. In such cases the censors merely executed the judgment of the court. So again when they struck out a man who had chosen a degrading occupation, or been turned ignominiously out of the army, they assuredly could not restore such an offender to his civil rank, even with their united voice. (Cic. *pro Cluent.* 42. *Turpi judicio damnati in perpetuum omni honore ac dignitate privantur.*) But the case was different when they acted on their private conviction of a man's unworthiness, and not in execution of a judicial sentence.” — Nieb. ii. p. 396.

**Mors, Liv. xl. 46.** Before they began to execute their office, they swore that they would do nothing through favour or hatred, but that they would act uprightly; and when they resigned their office, they swore that they had done so. Then going up to the treasury (in *ararium ascendentes*), they left a list of those whom they had made *ararii*, **Liv. xxix. 37.**

A record of the proceedings of the censors (*memoria publica recensionis, tabulis publicis impressis*) was kept in the temple of the Nymphs, **Cic. pro Mil. 27.** and is also said to have been preserved with great care by their descendants, **Dionys. i. 74.**

One of the censors, to whom it fell by lot, **Varr. Lat. L. v. 9.** after the census was finished, offered a solemn sacrifice (*lustrum condidit*) in the Campus Martius. See p. 79.

The power of the censors continued unimpaired to the tribuneship of Clodius, A. U. 695, who got a law passed, ordering that no senator should be degraded by the censors, unless he had been formally accused and condemned by both censors, **Dio. xxxviii. 13.**; but this law was abrogated, and the powers of the censorship restored soon after by Q. Metellus Scipio, A. U. 702. **Ascon. in Cic. Dio. xl. 57.**

Under the emperors the office of censor was abolished; but the chief parts of it were exercised by the emperors themselves, or by other magistrates.

Julius Cæsar made a review of the people (*recensum populi egit*) after a new manner, in the several streets, by means of the proprietors of the houses (*vicatim per dominos insularum*), **Suet. Jul. 41.**; but this was not a review of the whole Roman people, but only of the poorer sort, who received a monthly gratuity of corn from the public, *ibid.* which used to be given them in former times, first at a low price, **Liv. ii. 34.**, and afterwards, by the law of Clodius, for nought, **Cic. pro Sext. 25. Ascon. in Cic.**

Julius Cæsar was appointed by the senate to inspect the morals of the citizens for three years, **Dio. xliii. 14.** under the title of PRÆFECTUS MORUM vel *moribus*, **Suet. Jul. 76. Cic. Fam. ix. 15.**; afterwards for life, under the title of censor, **Dio. xlv. 5.** A power similar to this seems to have been conferred on Pompey in his third consulship (*corrigendis moribus delectus*), **Tacit. Ann. ii. 28.**

Augustus thrice made a review of the people; the first and last time with a colleague, and the second time alone, **Suet. Aug. 27.**

He was invested by the senate with the same censorian power as Julius Cæsar, repeatedly for five years, according to Dion Cassius, **liii. 17. Liv. ii. 10. 30.** according to Suetonius for life (*recepit et morum legumque regimen perpetuum*), **Suet. Aug. 27.** under the title of MAGISTER MORUM, **Fast. Cons.** Hence Horace, **Epist. ii. 1.**

*Cùm tot sustineas, ac tanta negotia solus,  
Res Italas armis tuteris, moribus ornes,  
Legibus emendes, &c.*

Augustus, however, declined the title of censor, **Suet. 27.** although he is so called by Macrobius, **Sat. ii. 4.**; and Ovid says of him,

*Sic agitur CENSURA, et sic exempla parantur,  
Cum vindex, alios quod monet ipse, facit.* **Fast. vi. 647.**

Some of the succeeding emperors assumed this title, particularly those of the Flavian family, but most of them rejected it; as Trajan, *Plin. Paneg.* 45. after whom we rarely find it mentioned, *Dio.* liii. 18.

Tiberius thought the censorship unfit for his time (*non id tempus censure*), *Tacit. Ann.* ii. 33. It was therefore intermitted during his government, as it was likewise during that of his successor.

A review of the people was made by Claudius and L. Vitellius, the father of the emperor A. Vitellius, A. U. 800. *Suet. Claud.* 16. *Vit.* 2.; by Vespasian and Titus, A. U. 827. *Suet. Vesp.* 8. *Tit.* 6.; but never after. *Censorinus de die nat.* 18. says, that this review was made only seventy-five times during 650, or rather 680 years, from its first institution under Servius to the time of Vespasian; after which it was totally discontinued, *ibid.*

Decius endeavoured to restore the censorship in the person of Valerian, but without effect. The corrupt morals of Rome at that period could not bear such a magistrate. *Trebell. Pollio in Valer.*

#### IV. TRIBUNES OF THE PEOPLE.

THE plebeians being oppressed by the patricians on account of debt, *Liv.* ii. 23. &c. at the instigation of one Sicinius, made a secession to a mountain, afterwards called *Mons Sacer*\*, three miles from Rome, A. U. 260. *ibid.* 32.; nor could they be prevailed on to return, till they obtained from the patricians a remission of debts for those who were insolvent, and liberty to such as had been given up to serve their creditors; and likewise that the plebeians should have proper magistrates of their own to protect their rights, whose persons should be sacred and inviolable (*sacrosancti*), *Liv.* iii. 33. 55. *Dionys.* vi. 89. They were called TRIBUNES, according to Varro, *de Ling. Lat.* l. iv. 14.; because they were at first created from the tribunes of the soldiers.

Two tribunes were at first created, *Cic. pro Corn.* 1., at the assembly by *curiæ*, who, according to Livy, created three colleagues to themselves, ii. 33. In the year 283, they were first elected at the *Comitia Tributa*, c. 58., † and A. U. 297, ten tribunes were created, *Liv.* iii. 30. two out of each class, which number continued ever after.

No patrician could be made tribune unless first adopted into a plebeian family, as was the case with Clodius the enemy of Cicero, *pro Dom.* 16. *Suet. Jul.* 20. At one time, however, we find two patricians of consular dignity elected tribunes, *Liv.* iii. 65. And no one could be made tribune or plebeian ædile, whose father had borne a curule office, and was alive, *Liv.* xxx. 19., nor whose father was a captive, xxviii. 21.

\* “It had its name from being consecrated to Jupiter by the plebeians, when they were leaving their camp.” — *Nieb.* i. p. 533.

† Volero was the author of the bill which transferred the election of tribunes from the *comitia curiata* to the *comitia tributa*. In these assemblies the people's own magistrates might preside: all the citizens of the country tribes, as well as the inhabitants of Rome, had a right of voting, — there was no necessity for any previous *senatus consultum*, and the augurs could not put off the holding of the *comitia*, or annul the election of such tribunes as were very obnoxious to the patricians, under the pretence that the omens were inauspicious, for these *comitia* were not preceded by taking the auspices. After a violent struggle, Livy tells us that the law was quietly passed (*Lex silentio perfertur*, ii. 57.).

The tribunes were at first chosen indiscriminately from among the plebeians; but it was ordained by the *Atinian* law, some think A. U. 623, that no one should be made tribune who was not a senator, *Gell.* xiv. 8. *Suet. Aug.* 10. And we read, that when there were no senatorial candidates, on account of the powers of that office being diminished, Augustus chose them from the *Equites*, *Suet. Aug.* 40. *Dio.* liv. 26. 30. But others think, that the *Atinian* law only ordained, that those who were made tribunes should of course be senators, and did not prescribe any restriction concerning their election.\* See *Manutius de Legg.* It is certain, however, that under the emperors, no one but a senator had a right to stand candidate for the tribuneship (*jus tribunatus petendi*), *Plin. Ep.* ii. 9.

One of the tribunes, chosen by lot, presided at the *comitia* for electing tribunes, *Liv.* iii. 64., which charge was called *sors comitiorum*, *ibid.* After the abdication of the *decemviri*, when there were no tribunes, the *Pontifex Maximus* presided at their election, *c.* 54. If the assembly was broken off (*si comitia dirempta essent*), before the ten tribunes were elected, those who were created might choose (*cooptare*) colleagues for themselves to complete the number, *c.* 65. But a law was immediately passed by one Trebonius [A. U. 305] to prevent this for the future, which enacted, "That he who presided" "should continue the *comitia*, and recall the tribes to give their votes," "till ten were elected," *ibid.*†

The tribunes always entered on their office the 10th of December (*ante diem quartum Idūs Decembris*), because the first tribunes were elected on that day, *Liv.* xxxix. 52. *Dionys.* vi. 89. In the time of Cicero, however, Asconius says, it was on the 5th (*nonis Decembris*), in *procem.* *Verr.* 10. But this seems not to have been so; for Cicero himself, on that day, calls Cato *tribunus designatus*, *pro Sext.* 28.

The tribunes wore no *toga prætexta*, nor had they any external mark of dignity, except a kind of beadle called *viator*, who went before them. It is thought they were not allowed to use a carriage, *Cic. Phil.* ii. 24. *Plut. Quæst. Rom.* 81. When they administered justice, they had no *tribunal*, but sat on *subsellia* or benches, *Ascon. in Cic.* They had, however, on all occasions, a right of precedency; and every body was obliged to rise in their presence, *Plin. Ep.* i. 23.

The power of the tribunes at first was very limited. It consisted in hindering, not in acting, *Dionys.* vii. 17., and was expressed by the word VETO, *I forbid it.* They had only the right of seizing, but not of summoning (*prehensionem sed non vocationem habebant*), *Gell.* xiii. 12. Their office was only to assist the plebeians against the patricians and magistrates (*Auxilii, non pœnæ jus datum illi potestati*), *Liv.* ii. 35. vi. 37. Hence they were said *esse privati, sine imperio, sine magistratu*, ii. 56., not being dignified with the name of magis-

\* From the *Atinian* law, it appears evident that the election to the tribuneship was possible without a previous election to the *quæstorship*; because the latter office gave an immediate right to the senate. See the note, p. 4.

† For in the year preceding, after five new tribunes had been elected, Duilius dismissed the assembly, alleging that he had satisfied the law, which expressly directed that, in case the whole number of tribunes were not chosen on the day of election, "who were chosen should themselves nominate persons to fill the vacant places: " was called *cooptatio*.

trates, *Plutarch. in Coriol. et Quest. Rom.* 81., as they were afterwards, *Liv.* iv. 2. *Sall. Jug.* 37. \* They were not even allowed to enter the senate. See p. 15.

But, in process of time, they increased their influence to such a degree that, under pretext of defending the rights of the people, they did almost whatever they pleased. They hindered the collection of tribute, *Liv.* v. 12., the enlisting of soldiers, iv. 1., and the creation of magistrates, which they did at one time for five years, *Liv.* vi. 35. They could put a negative (*intercedere*) upon all the decrees of the senate and ordinances of the people, *Cic. pro Mil.* 6. *Liv.* xlv. 21. *Polyb.* vi. 14., and a single tribune, by his VETO, could stop the proceedings of all the other magistrates, which Cæsar calls *extremum jus tribunorum*, *de Bell. Civ.* i. 4. *Liv.* ii. 44. iv. 6. 48. vi. 35. Such was the force of this word, that whoever did not obey it, whether magistrate or private person, was immediately ordered to be led to prison by a *viator*, or a day was appointed for his trial before the people, as a violator of the sacred power of the tribunes, the exercise of which it was a crime to restrain (*in ordinem cogere*), *Plin. Ep.* i. 23. *Liv.* xxv. 3, 4. *Plutarch. in Mario.* They first began with bringing the chief of the patricians to their trial before the *Comitia Tributa*; as they did Coriolanus, *Dionys.* vii. 65.

If any one hurt a tribune in word or deed, he was held accursed (*sacer*), and his goods were confiscated [to the temple of Ceres], *Liv.* iii. 55. *Dionys.* vi. 89. viii. 17. Under the sanction of this law, they carried their power to an extravagant height. They claimed a right to prevent consuls from setting out to their provinces, *Plutarch. in Crass. Dio.* xxxix. 39., and even to pull victorious generals from their triumphal chariot, *Cic. pro Cæl.* 14. They stopped the course of justice by putting off trials, *Liv.* iii. 25. *Cic. Phil.* ii. 2. *in Vatin.* 14., and hindering the execution of a sentence, *Cic. de Prov. Cons.* 8. *Liv.* xxxviii. 60. They sometimes ordered the military tribunes, and even the consuls themselves, to prison, *Liv.* iv. 26. v. 9. *Epit.* 48. 55. *Cic. in Vatin.* 9, 10. *Dio.* xxxvii. 50. (as the Ephōri at Lacedæmon did their kings, *Nep. in Paus.* 3., whom the tribunes at Rome resembled, *Cic. de Legg.* iii. 7. 9.) Hence it was said, *Datum sub jugum tribunitiæ potestatis consulatum fuisse*, *Liv.* iv. 26.

The tribunes usually did not give their negative to a law, till leave had been granted to speak for and against it, *Liv.* xlv. 21.

The only effectual method of resisting the power of the tribunes was to procure one or more of their number (*e collegio tribunorum*), to put a negative on the proceedings of the rest, *Liv.* ii. 44. iv. 48. vi. 35; but those who did so might afterwards be brought to a trial before the people by their colleagues, v. 29.†

\* "In the seventh century of the city, the tribunes were to the fullest extent a national magistracy: during the first two centuries of their existence, they were just as decidedly a mere plebeian magistracy; but this they were incontestably: only their province was neither government nor administration. In their most essential character they were representatives of the commonalty: as such, protectors of the liberties of their order against the supreme power, not partakers in that power: as such, too, not empowered to impose a mulct (*multam dicere*), but only to the imposition of it to the commonalty (*irrogare*)."—*Nieb.* i. p. 543.

† "The tribunate of the people, about the middle of the fourth century, an important change. Hitherto a plurality of votes had always been



Sometimes a tribune was prevailed on, by entreaties or threats, to withdraw his negative (*intercessione desistere*), or he demanded time to consider it (*noctem sibi ad deliberandum postulavit; se postero die moram nullam esse facturum*), Cic. pro Sext. 34. Attic. iv. 2. Fam. viii. 8.; or the consuls were armed with dictatorial power to oppose him, *Cæs. de Bell. Civ. i. 5. Cic. Phil. ii. 21, 22.* (see p. 20.); from the terror of which, M. Antonius and Q. Cassius Longinus, tribunes of the commons, together with Curio and Cœlius, fled from the city to Cæsar into Gaul, and afforded him a pretext for crossing the river Rubicon, which was the boundary of his province, and of leading his army to Rome, *Cic. Phil. ii. 21, 22. Dio. xl. 13. Appian. Civil. ii. p. 448. Plutarch, in Cæs. p. 727. Lucan. i. 273. \**

We also find the senate exercising a right of limiting the power of the tribunes, which was called CIRCUMSCRIPTIO, *Cic. Att. vii. 9. pro Mil. 33. Cæs. de Bell. Civ. i. 32.*, and of removing them from their office (*a republicâ removendi, i. e. curiâ et foro interdicendi*), *Cæs. de Bell. Civ. iii. 21. Suet. Jul. 16.*, as they did likewise other magistrates, *ibid. Cic. Phil. xiii. 9.* On one occasion the senate even sent a tribune to prison, *Dio. xl. 45.*; but this happened at a time when all order was violated, *ibid. 46.*

The tribuneship was suspended when the *decemviri* were created, *Liv. iii. 32.*, but not when a dictator was appointed, *vi. 38.*

The power of the tribunes was confined to the city †, *Dionys. viii. 87.*, and a mile around it (*neque enim provocationem esse longius ab urbe*

it: the agrarian bill of 339 was lost, because the patricians gained six of the tribunes, i. e. a majority: the great exertions made to obtain this majority would have been needless, if a single veto had already been sufficient; and if the four tribunes, who made the cause of the consul C. Sempronius their own, could have annulled their colleagues' impeachment by a word, they would not have tried to mollify the people by putting on mourning and by entreaties. (*Liv. iv. 42. 48.*) On the other hand, in 360 and 361, the bill regarding Veii was stopped by two of the tribunes (*Liv. v. 29.*), just as the elections were in 380 by Licinius and Sextius; so that it was not in the power of the other eight to remove this impediment. Hence the limits of the time within which this innovation falls are not to be mistaken; but it is not so clear with what view it was introduced. It seems, however, that the government alone can have desired such a change, with a view of stemming the proceedings of the tribunes: one or two out of the ten would still be likely to take its side; while all hope of gaining a majority was sure to grow less and less, so long as the independence and prosperity of the people were daily becoming more firmly established, and as every body could see that the power of the patricians was losing ground."—*Nieb. ii. p. 435.*

• If a tribune persevered in his opposition (*intercessio*), his colleagues sometimes moved the *comitia* to depose him. Thus when Octavius, one of the tribunes, endeavoured to obstruct the passing of the Agrarian law, A. U. 620, his colleague, Tiberius Gracchus, assembled the tribes, and he was deposed accordingly. This example was afterwards imitated by the tribune A. Gabinus, when his colleague, L. Trebellius, opposed the passing a decree for committing to Pompey the conduct of the piratic war, with exorbitant powers unknown to the laws. Gabinus moved to have Trebellius deposed from his office; and seventeen of the thirty-five tribes had already voted against him, when he withdrew his opposition.

† When one of the tribunes, A. U. 270, would not suffer the consuls to levy troops, till they had first brought the senate's decree for the partition of the public lands, the consuls, in order to surmount the difficulty, erected their tribunal without the city to summon the citizens to enlist; where the tribune could give them no opposition, for the reason mentioned in the text.

*mille passuum*), Liv. iii. 20., unless when they were sent any where by the senate and people; and then they might, in any part of the empire, seize even a proconsul at the head of his army and bring him to Rome (*jure sacrosanctæ potestatis*), Liv. xxix. 20.

The tribunes were not allowed to remain all night (*pernoctare*) in the country, nor to be above one whole day out of town, except during the *Feriæ Latinæ*, Dionys. viii. 87.; and their doors were open day and night, that they might be always ready to receive the requests and complaints of the wretched, Gell. iii. 2. xlii. 12. *Macrob. Sat. i. 3.*

The tribunes were addressed by the name TRIBUNI. Those who implored their assistance (*eos appellabant vel auxilium implorabant*) said, A VOBIS, TRIBUNI, POSTULO, UT MIHI AUXILIO SITIS. The tribunes answered, AUXILIO ERIMUS, vel NON ERIMUS, Liv. iv. 26. xxviii. 45.

When a law was to be passed, or a decree of the senate to be made, after the tribunes had consulted together (*cum in consilium secessissent*), one of their number declared (*ex sua collegarumque sententiâ vel pro collegio pronunciavit*), SE INTERCEDERE, vel NON INTERCEDERE, aut MORAM FACERE comitiis, delectui, &c. Also, SE NON PASSUROS legem ferri vel abrogari; relationem fieri de, &c. Pronunciant PLACERE, &c. This was called DECRETUM tribunorum, Liv. iii. 13. & alibi passim. Thus, Medio decreto jus auxilii sui expediunt, exert their right of intercession by a moderate decree, *ibid.*

Sometimes the tribunes sat in judgment, and what they decreed was called their EDICTUM, or decretum, Cic. Verr. ii. 41. If any one differed from the rest, he likewise pronounced his decree; thus, Tib. Gracchus ita decrevit: QUO MINUS EX BONIS L. SCIPIONIS QUOD JUDICATUM SIT, REDIGATUR, SE NON INTERCEDERE PRÆTORI. L. SCIPIONEM NON PASSURUM IN CARCERE ET IN VINCULIS ESSE MITTIQUE EUM SE JUBERE, Liv. xxxviii. 60.

The tribunes early assumed the right of holding the comitia by tribes, and of making laws (PLEBISCITA), which bound the whole Roman people, Liv. iii. 10. 55. (See page 92.) They also exercised the power of holding the senate, A. U. 298. Dionys. x. 21. Cic. de Legg. iii. 10., of dismissing it when assembled by another, Appian. de Bell. Civ. ii., and of making a motion, although the consuls were present, Cic. Phil. vii. 1. pro Sext. 11. They likewise sometimes hindered the censors in the choice of the senate, Dio. xxxvii. 9.

The tribunes often assembled the people merely to make harangues to them (*concionem advocabant, vel populum ad concionem*), Gell. xii. 14. By the ICILIAN law [A. U. 261] it was forbidden, under the severest penalties, to interrupt a tribune while speaking, Dionys. vii. 17.\* Cic. pro Sext. 37., and no one was allowed to speak in the

\* "He was to give bail to the college of tribunes for the payment of whatever mulct they should affix to his offence, in arraigning him before the commonalty: if he did not, his life and property were to be forfeit." — Nieb. i. p. 543. Hooke (vol. i. p. 275.), thinks that the principal point gained by Brutus, on the passing of the *Italic law*, was not any thing contained in the law itself, but was rather his engaging the people to assume the power of making laws, *tribuno rogante* (at the motion of a tribune), without any previous recommendation or approbation of them by the senate or consuls. The tribunes had hitherto held only *concilia*, councils, for conferring with the plebeians, but they now turned these *concilia* into *comitia*, for

assemblies summoned by them without their permission. Hence, *concionem dare*, to grant leave to speak, *Cic. Att. iv. 2.*, *in concionem ascendere*, to mount the *rostra*, *ibid.*, *concionem habere*, to make a speech, or to hold an assembly for speaking; and so, *in concionem venire*, *Cic. pro Sext. 40.*, *in concionem vocare*, and *in concione stare*, *Id. Acad. iv. 47.*; but to hold an assembly for voting about any thing was, *habere comitia*, vel *AGERE cum populo*, *Gell. xiii. 15.*

The tribunes limited the time of speaking even to the consuls themselves, *Cic. pro Rabir. 2.*, and sometimes would not permit them to speak at all. (See p. 104.) They could bring any one before the assembly (*ad concionem vel in concione producere*), and force them to answer what questions were put to them, *Cic. in Vat. 10.* *in Pis. 6, 7. post red. in Sen. 6. Dio. xxxviii. 16. \**

By these harangues the tribunes often inflamed the populace against the nobility, and prevailed on them to pass the most pernicious laws.

The laws which excited the greatest contentions were about dividing the public lands to the poorer citizens (*LEGES AGRARIÆ*), *Liv. ii. 41. iv. 48. vi. 11. Cic. in Rull.*—about the distribution of corn at a low price, or for nought (*Leges FRUMENTARIÆ vel annonariæ*), *Liv. Epit. lx. lxxi. Cic. ad Heren. i. 12. pro Sext. 25. Ascon. in Cic.*—and about the diminution of interest (*de levando fœnore*), and the abolition of debts, either in whole or in part (*de novis tabulis*; — *leges FCENEbres*), *Liv. vi. 27. 35. xii. 16. 42. xxxv. 7. Pat. ii. 23. (See p. 45.)*

But these popular laws were usually joined by the tribunes with others respecting the aggrandisement of themselves and their order, *Liv. vi. 35. 39.*; and when the latter were granted, the former were often dropped, 42. At last, however, after great struggles, the tribunes laid open the way for plebeians to all the offices of the state [A. U. 386. B. C. 367].

The government of Rome was now brought to its just *æquilibrium*. There was no obstruction to merit, and the most deserving were promoted. The republic was managed for several ages with quiet and moderation (*placidè modestè*). But when wealth and luxury were introduced, and avarice had seized all ranks, especially after the destruction of Carthage, the more wealthy plebeians joined the patricians, and they in conjunction engrossed all the honours and emoluments of the state. The body of the people were oppressed; and the tribunes, either overawed or gained, did not exert their influence to prevent it; or rather, perhaps, their interposition was disregarded, *Sallust. Jug. 41. †*

making laws. This was a matter of great importance, extremely diminishing the authority of the senate, and augmenting that of the people and their plebeian magistrates.

\* "The proceedings of the tribunes were restricted to the *nundines*, or to one day in eight; and it was necessary that they should be terminated in one day. That is to say, if any circumstance hindered a proposition from coming to a decision, it was lost; and the tribunes were compelled to give fresh notice of their proposition, as if it had been a new measure, to be discussed on the third *nundine*." — *Nieb. ii. p. 214.*

† "The first instance of suspending the tribuneship was A. U. C. 302, upon

At last Tiberius and Caius Gracchus, the grandsons of the great Scipio Africanus by his daughter Cornelia, bravely undertook to assert the liberties of the people, and to check the oppression of the nobility. But proceeding with too great ardour, and not being sufficiently supported by the multitude, they fell a sacrifice to the rage of their enemies. Tiberius, while tribune, was slain in the Capitol, by the nobility, with his cousin Scipio Nasica, *Pontifex Maximus*, at their head; A. U. 620, *Appian. de Bell. Civ.* i. 359. *Cic. Cat.* i. 1.; and Caius, a few years after, perished by means of the consul Opimius, who slaughtered a great number of the plebeians, *Sallust. Jug.* 16. 42. This was the first civil blood shed at Rome, which afterwards at different times deluged the state, *Appian. ibid.* i. 349. *Vell.* ii. 3. From this period, when arms and violence began to be used with impunity in the legislative assemblies, and laws enacted by force to be held as valid, we date the commencement of the ruin of Roman liberty.

The fate of the Gracchi discouraged others from espousing the cause of the people. In consequence of which, the power of the nobles was increased, and the wretched plebeians were more oppressed than ever, *Sallust. Jug.* 31.

But in the Jugurthine war, when, by the infamous corruption of the nobility, the republic had been basely betrayed, the plebeians, animated by the bold eloquence of the tribune Memmius, regained the ascendancy, *Ibid.* 40. 65. 73. 84. The contest betwixt the two orders was renewed; but the people being misled and abused by their favourite, the faithless and ambitious Marius, *Dio. fragment.* xxxiv. 94., the nobility again prevailed under the conduct of Sylla.

Sylla abridged, and in a manner extinguished, the power of the tribunes, by enacting, "That whoever had been tribune, should not afterwards enjoy any other magistracy; that there should be no appeal to the tribunes; that they should not be allowed to assemble the people and make harangues to them, nor to propose laws." *Liv. Epit.* 89. *Appian. B. Civ.* i. 413.; but should only retain the right of intercession, *Cæs. de Bell. Civ.* i. 6. (*injuriæ faciendæ potestatem ademit, auxilii ferendi reliquit*), which Cicero greatly approves, *Cic. de Legg.* iii. 9.

But after the death of Sylla, the power of the tribunes was restored. In the consulship of Cotta, A. U. 679, they obtained the right of enjoying other offices, *Ascon. in Cic.*, and in the consulship of Pompey and Crassus, A. U. 683, all their former powers, *Sall. Cat.* 38. *Cic. in Verr.* i. 15. *de Legg.* iii. 11.; a thing which Cæsar strenuously promoted, *Suet. Jul.* 5.

The tribunes henceforth were employed by the leading men as the tools of their ambition. Backed by a hired mob (*a conductâ plebe stipati*), they determined every thing by force. They made and abrogated laws at pleasure, *Cic. in Pis.* 4. *pro Sext.* 25. They dis-

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the creation of the decemvirs. The functions of the tribunes had hitherto been always preserved, even under the dictators, and when all other magistracies ceased. The reason was, that the tribunes were not properly magistrates, but only protectors of the people against any oppressions by the magistrates." (*Phil. Quæst. Rom.* p. 283.) — *Hooke's Rom. Hist.* b. ii. ch. 26.

posed of the public lands and taxes as they thought proper, and conferred provinces and commands on those who purchased them at the highest price, *Cic. pro Sext.* 6. 10. 24. 26. &c. *pro Dom.* 8. 20. The assemblies of the people were converted into scenes of violence and massacre; and the most daring always prevailed, *Cic. pro. Sext.* 35, 36, 37, 38. &c. *Dio.* xxxix. 7, 8. &c.

Julius Cæsar, who had been the principal cause of these excesses, and had made a violation of the power of the tribunes a pretext for making war on his country (see p. 124.), having at last become master of the republic by force of arms, reduced that power, by which he had been raised, to a mere name; and deprived the tribunes of their office (*potestate privavit*) at pleasure, *Suet. Jul.* 79. *Dio.* xlv. 10. *Vell.* ii. 68.

Augustus got the tribunitian power to be conferred on himself for life, by a decree of the senate, *Dio.* li. 19., the exercise of it by proper magistrates, as formerly, being inconsistent with an absolute monarchy, which that artful usurper established, *Suet. Aug.* 27. *Tacit. Ann.* iii. 56. This power gave him the right of holding the senate, *Dio.* liv. 3. (see p. 12.), of assembling the people, and of being appealed to in all cases, *Dio.* li. 19. It also rendered his person sacred and inviolable; so that it became a capital crime (*crimen MAJESTATIS*) to injure him in word or deed, *Dio.* liii. 17., which, under the succeeding emperors, served as a pretext for cutting off numbers of the first men in the state, and proved one of the chief supports of tyranny (*ADJUMENTA REGNI*), *Tacit. Annal.* iii. 38. *Suet. Tib.* 58. 61. *Ner.* 35. Hence this, among other powers, used to be conferred on the emperors in the beginning of their reign, or upon other solemn occasions; and then they were said to be *Tribunitiâ potestate donati*, Capitol. in M. Anton.—Vopisc. in Tacit. Hence also the years of their government were called the years of their tribunitian power, *Dio.* liii. 17., which are found often marked on ancient coins; computed not from the 1st of January, nor from the 10th of December, (*iv. Id. Dec.*) the day on which the tribunes entered on their office; but from the day on which they assumed the empire.

The tribunes, however, still continued to be elected, although they retained only the shadow of their former power (*inanem umbram et sine honore nomen*), *Plin. Ep.* i. 23. *Paneg.* 10. 95. *Tacit.* i. 77. xiii. 28., and seem to have remained to the time of Constantine, who abolished this with other ancient offices.

## V. ÆDILES.\*

THE *Ædiles* were named from their care of the buildings (*a curâ ædium*).

The *Ædiles* were either plebeian or curule.

Two *ÆDILES PLEBEII* were first created, A. U. 260, in the *Comitia Curiata*, at the same time with the tribunes of the commons, to be as it were their assistants, and to determine certain lesser causes, which the tribunes committed to them, *Dionys.* vi. 90. They

\* A person was not eligible to this office till the age of 37, i. e. five years after having filled the quaestorship.



were afterwards created, as the other inferior magistrates, at the *Comitia Tributa*.

Two ÆDILES CURULES were created from the patricians, A. U. 387, to perform certain public games, *Liv. vi. 42.\** They were first chosen alternately from the patricians and plebeians, but afterwards promiscuously from both, *Liv. vii. 1.*, at the *Comitia Tributa*, *Gell. vi. 9*.

The curule ædiles wore the *toga prætexta*, had the right of images, and a more honourable place of giving their opinion in the senate, *Cic. Verr. v. 14*. They used the *sella curulis* when they administered justice, whence they had their name, *ib.* Whereas the plebeian ædiles sat on benches (*subsellia*), *Ascon. in Cic.*; but they were inviolable (SACROSANCTI) as the tribunes, *Festus, Liv. iii. 55.†*

The office of the ædiles was to take care of the city, *Cic. de Legg. iii. 3.*, its public buildings, temples, theatres, baths, *basilicæ*, porticoes, aquæducts, common sewers, public roads, &c. especially when there were no censors: also of private buildings, lest they should become ruinous, and deform the city, or occasion danger to passengers. They likewise took care of provisions, markets, taverns, &c. They inspected those things which were exposed to sale in the Forum; and if they were not good, they caused them to be thrown into the Tiber, *Plaut. Rud. ii. 3. 42*. [They published edicts, regulating the market for slaves.] They broke unjust weights and measures, *Juvenal. x. 101*. They limited the expenses of funerals, *Cic. Phil. ix. 7. Ovid. Fast. vi. 663*. They restrained the avarice of usurers, *Liv. x. 37*. They fined or banished women of bad character, after being condemned by the senate or people, *Tacit. Ann. ii. 85. Liv. x. 31. xxv. 2*. They took care that no new gods or religious ceremonies were introduced, *Liv. iv. 30*. They punished not only petulant actions, but even words, *Gell. x. 6*.

The ædiles took cognizance of these things, proposed edicts concerning them, *Plaut. Capt. iv. 2. v. 43.*, and fined delinquents.

The ædiles had neither the right of summoning nor of seizing, unless by the order of the tribunes; nor did they use lictors or *viatores*, but only public slaves, *Gell. xiii. 12*. They might even be sued at law (*in jus vocari*) by a private person, *ibid. 13*.

It belonged to the ædiles, particularly the curule ædiles, to exhibit public solemn games, *Liv. xxiv. 43. xxvii. 6.*, which they sometimes did at a prodigious expense, to pave the way for future preferments, *Cic. Off. ii. 16.‡* They examined the plays which were to be brought

\* Livy states, that the plebeian ædiles of that year (for some cause, which he does not explain, probably on account of the expense) refused to take upon themselves the care of making preparations for the *Ludi Maximi*; upon which the young patricians offered to take it upon themselves, on condition that they were made ædiles. Accordingly the people, at the motion of the dictator (Camillus), created a new office in favour of the patricians.

† "Whatever difference there might have been originally between the curule and plebeian ædiles, their province and authority seem, in later times, to be the same, without any distinction but what was merely nominal. The two who were chosen first, were probably called the curule ædiles. This magistracy gave a precedence in the senate, or a priority of voting and speaking, and was the first that qualified a man to have a picture or statue of himself (*jus imaginis*), and, consequently, ennobled his family. (*Cic. in Verr. v. 14.*)" — *Middleton's Life of Cic. i. p. 89*.

‡ "Cicero (*in Verr. v. 14.*) gives us a short account of the duties of this office: — 'I am to exhibit,' says he, 'with the greatest solemnity, the most sacred sports to



on the stage, and rewarded or punished the actors as they deserved, *Plaut. Trin.* iv. 2. 148. *Cist. Epil.* 3. *Suet. Aug.* 45. \* They were bound by oath to give the palm to the most deserving, *Plaut. Amphit. Prol.* 72. Agrippa, when ædile under Augustus, banished all jugglers (*præstigiatores*) and astrologers, *Dio.* xlix. 43.

It was peculiarly the office of the plebeian ædiles, to keep the decrees of the senate, and the ordinances of the people, in the temple of Ceres, and afterwards in the treasury, *Liv.* iii. 55.

Julius Cæsar added two other plebeian ædiles, called CEREALES (*a Cerere*), to inspect the public stores of corn and other provisions, *Dio.* xliii. 51. *Just. Digest.* i. 2. ii. 32.

The free towns also had their ædiles, *Juv.* iii. 179. †, where sometimes they were the only magistrates, as at Arpinum, *Cic. Fam.* xiii. 11.

The ædiles seem to have continued, but with some variations, to the time of Constantine.

## VI. QUÆSTORS.

THE Quæstors were so called (*a quærendo*), because they got in the public revenues (*publicas pecunias conquirebant*), Varro de L. L. iv. 14.

The institution of quæstors seems to have been nearly as ancient as the city itself. They were first appointed by the kings, according to Tacitus, *Annal.* xi. 22. And then by the consuls, to the year 307, when they began to be elected by the people, at the *Comitia Tributa*, *Cic. Fam.* vi. 30. Others say, that two quæstors were created by the people from among the patricians, soon after the expulsion of Tarquin, to take care of the treasury, according to a law passed by Valerius Poplicola, *Plutarch. in Poplic.* *Dionys.* v. 34.

In the year 333, besides the two city quæstors, two others were created, to attend the consuls in war, (*ut consulibus ad ministeria belli præsto essent*), [for the purpose of paying the armies, and selling the plunder, and were named QUÆSTORES PEREGRINI]; and from this time the quæstors might be chosen indifferently from the plebeians

Ceres, Liber, and Libera; am to appease and conciliate the mother Flora to the people and city of Rome; am to furnish out those ancient shows, the first which were called Roman, with all possible dignity and religion, in honour of Jupiter, Juno, and Minerva; am to take care also of all the sacred edifices, and, indeed, of the whole city, &c. Julius Cæsar injured his fortune considerably by the splendour of these exhibitions; and, in fact, any appearance of frugality in these matters would have operated as a check to those who intended to be candidates for higher honours. Cicero, however, steered a middle course, and the expense of the office (*sumtus Ædilitatis*) was to him very trifling (*de Off.* ii. 17.). — *Middleton's Life of Cic.* i. p. 115. "Gallius, in his ædileship, disgusted the people by not providing any wild beasts for their entertainment in the public shows; but when he stood for the prætorship, endeavoured to redeem his character by a show of gladiators, on pretence of giving them in honour of his deceased father." — *Ibid.* p. 137.

\* "In this respect they are similar to the χορηγοί at Athens. *Juvenal.* iii. 162. pauper quis scribitur hæres? Quando in consilio est Ædilibus?" — *T.*

† They had jurisdiction over weights and measures, which, if bad, they had authority to break: —

"Et de mensura jus dicere, vasa minora  
Frangere pannosus vacuis Ædilis Ulubris." — *Juv. Sat.* x. 101.

and patricians, *Liv.* iv. 43. \* After all Italy was subdued, four more were added, A. U. 498, about the same time that the coining of silver was first introduced at Rome, *Liv. Epit.* xv. † Sylla increased their number to 20 (*supplendo senatui, cui judicia tradiderat*), *Tacit. Ann.* xi. 22., and Julius Cæsar to 40, *Dion.* xliii. 47. [See the note, p. 4.] Under the emperors their number was uncertain and arbitrary.

Two quæstors only remained at Rome, and were called QUÆSTORES URBANI; the rest, PROVINCIALES or MILITARES.

The principal charge of the city quæstors was the care of the treasury, which was kept in the temple of Saturn, *Suet. Claud.* 24. *Plut. Quæst. Rom.* 40. They received and expended the public money, and entered an account of their receipts and disbursements (*in tabulas accepti et expensi referebant*), *Ascon. in Cic.* They exacted the fines imposed by the public, *Liv.* xxxviii. 60. *Tacit. Ann.* xiii. 28. The money thus raised was called ARGENTUM MULTATITIUM, *Liv.* xxx. 39.

The quæstors kept the military standards in the treasury, (which were generally of silver, *Plin.* xxxiii. 3. s. 19., sometimes of gold,) for the Romans did not use colours (*non velis utebantur*), and brought them out to the consuls when going upon an expedition, *Liv.* iii. 69. iv. 22. vii. 23. They entertained foreign ambassadors, provided them with lodgings, and delivered to them the presents of the public, *Valer. Max.* v. 1. They took care of the funerals of those who were buried at the public expense, as Menenius Agrippa, *Dionys.* vi. *fin.*, Sulpicius, *Cic. Phil.* ix. 7. They exercised a certain jurisdiction, especially among their clerks, *Plut. in Cat. Min.*

Commanders returning from war, before they could obtain a triumph, were obliged to swear before the quæstors, that they had written to the senate a true account of the number of the enemy they had slain, and of the citizens that were missing, *Valer. Max.* ii. 8.

The provinces of the quæstors were annually distributed to them by lot, *Cic. pro Mur.* 8., after the senate had determined into what provinces quæstors should be sent. Whence SORS is often put for the office or appointment of a quæstor, *Cic. Verr.* i. 15. *Cæcil.* 14. *Fam.* ii. 19., as of other magistrates, *Id. Verr. Act.* i. 8. *Planc.* 27. *Liv.* xxxv. 6., and public officers, *Cic. Cat.* iv. 7., or for the condition of any one, *Horat. Sat.* i. 1. 1. *Ep.* i. 14. 11. *Suet. Aug.* 19. Sometimes a certain province was given to a particular quæstor by the senate or people, *Liv.* xxx. 33. But Pompey chose Cassius as his quæstor, and Cæsar chose Antony, of themselves (*sine sorte*), *Cic. Att.* vi. 6. *Cic. Phil.* ii. 20.

The office of the provincial quæstors was to attend the consuls or prætors into their provinces; to take care that provisions and pay

\* "A contradiction has been remarked (*Classical J.* No. 45.) between the statement of Livy and that of Tacitus (*Ann.* xi. 22.), respecting the priority of the *Quæstores Urbani*. According to the latter, two quæstors were at first elected, for managing the funds belonging to the army during military service, and two, *Quæstores Urbani*, were afterwards added, for taking charge of the funds of the city. Livy states the reverse. I am inclined to think that the passage in Livy is an interpolation, for it is not found in ed. Mediol. 1480 (see *Drakenb.*). — *Cromb. G.* ii. 317.

† These resided in the provinces with the proconsuls and prætors, for the purpose of regulating and collecting the taxes and customs.

were furnished to the army; to keep the money deposited by the soldiers (*nummos ad signa depositos*), Suet. Dom. 8. Veget. ii. 20.; to exact the taxes and tribute of the empire, *Cic. in Verr.* i. 14. 38.; to take care of the money and to sell the spoils taken in war, *Liv.* v. 26. xxvi. 47. *Plaut. Bacch.* iv. 9. v. 153. *Polyb.* x. 19.; to return an account of every thing to the treasury; and to exercise the jurisdiction assigned them by their governors, *Cic. Divin. in Cæcil.* 17. *Suet. Jul.* 7. When the governor left the province, the quæstor usually supplied his place, *Cic. ad Fam.* ii. 15. 18.

There subsisted the closest connection between a proconsul or proprætor and his quæstor (*in parentum loco quæstoribus suis erant*), *Cic. pro Planc.* 11. *Divinat. in Cæcil.* 19.\* *ad Fam.* xiii. 10. 26. *Plin. Ep.* iv. 15. If a quæstor died, another was appointed by the governor in his room, called PROQUÆSTOR, *Cic. in Verr.* i. 15. 36.

The place in the camp where the quæstor's tent was, and where he kept his stores, was called QUÆSTORIUM, or *Quæstorium forum*, *Liv.* x. 32. xli. 2.; so also the place in the province, where he kept his accounts and transacted business, *Cic. pro Planc.* 41.

The city quæstors had neither lictors nor *viatores*, because they had not the power of summoning or apprehending, *Gell.* xiii. 12.; and might be prosecuted by a private person before the prætor, *ibid.* 13. *Suet. Jul.* 23. They could, however, hold the *Comitia*; and it seems to have been a part of their office in ancient times to prosecute those guilty of treason, and punish them when condemned, *Dionys.* viii. 77. *Liv.* ii. 41. iii. 24, 25.

The provincial quæstors were attended by lictors, at least in the absence of the prætor, *Cic. pro Planc.* 41., and by clerks, *Cic. in Verr.* iii. 78.

The quæstorship was the first step of preferment (*primus gradus honoris*), *Cic. in Verr.* i. 4., which gave one admission into the senate, *Cic.* (see p. 5.) when he was said *adire ad rempublicam*, *Cic.*, *pro rempublicam capessere*, *Vell.* ii. 94. It was, however, sometimes held by those who had been consuls, *Dionys.* x. 23. *Liv.* iii. 25.

Under the emperors the quæstorship underwent various changes. A distinction was introduced between the treasury of the public (ÆRARIUM) and the treasury of the prince (FISCUS), *Suet. Aug.* 102. *Tacit. Annal.* vi. 2. *Plin. Pan.* 36. *Dio.* liii. 16.; and different officers were appointed for the management of each.†

Augustus took from the quæstors the charge of the treasury, and gave it to the prætors, or those who had been prætors, *Suet. Aug.* 36. *Tacit. Ann.* xiii. 28. *Dio.* liii. 2.; but Claudius restored it to the

\* Sic enim a majoribus nostris accepimus, prætorem quæstori suo parentis loco esse oportere: nullam neque justiore, neque graviore causam necessitudinis posse reperiri, quàm conjunctionem sortis, quàm provinciæ, quàm officii, quàm publicam muneris societatem.

† “*Liv.* ii. 42. Quicquid captum ex hostibus est vendidit Fabius consul ac redegit in publicum: the ærarium was entirely different from the publicum: the former was the treasury of the whole state, the latter that of the burgesses or patricians.” — *Nieb.* ii. p. 176. “After the decemvirate, we hear nothing more of the *redactio in publicum*.” — P. 430. “Cicero applies the epithet *sanctius* to the ærarium, *ad Att.* vii. 21. i. e. ex quo sumtus ordinarii non petebantur, sed ad summum reip. tempus reservabatur. (*Ernesti, Clav. Cic.*)” — T.

quæstors, *Suet. Claud.* 24. Afterwards præfects of the treasury seem to have been appointed, *Plin. Epist.* iii. 4. *Tacit. Annal.* xiii. 28, 29.

Those who had borne the quæstorship used to assemble the judges called *centumviri*, and preside at their courts; but Augustus appointed that this should be done by the *DECENVIRI litibus judicandis*, *Suet. Aug.* 36. The quæstors also chose the *judices*, *Dio.* xxxix. 7. Augustus gave to the quæstors the charge of the public records, which the ædiles and, as Dion Cassius says, the tribunes had formerly exercised, *liv.* 36. But this too was afterwards transferred to præfects, *Tacit. loc. cit.*

Augustus introduced a new kind of quæstors called *QUÆSTORES CANDIDATI*, or *candidati principis vel Augusti*, *Suet. Aug.* 56. *Claud.* 40., vel *Cæsaris*, *Vell.* ii. 124., who used to carry the messages of the emperor (*libellos, epistolas, et orationes*), to the senate, *Suet. Tit.* 6. (See p. 21.) They were called *candidati*, because they sued for higher preferments, which by the interest of the emperor they were sure to obtain; hence *Petis tanquam Cæsaris candidatus*, i. e. carelessly, *Quinctilian.* vi. 3. 62.

Augustus ordained by an edict, that persons might enjoy the quæstorship, and of course be admitted into the senate, at the age of twenty-two, *Plin. Epist.* x. 83, 84.

Under the emperors the quæstors exhibited shows of gladiators, which they seem to have done at their own expense, as a requisite for obtaining the office, *Tacit. Ann.* xi. 22. *Suet. Domit.* 4.

Constantine instituted a new kind of quæstors, called *QUÆSTORES PALATII*, who were much the same with what we now call *Chancellors*, *Zosim.* v. *Procop. de Bell. Pers.*

## OTHER ORDINARY MAGISTRATES.

THERE were various other ordinary magistrates; as,

*TRIUMVIRI CAPITALES*, who judged concerning slaves and persons of the lowest rank, *Plaut. Aul.* iii. 2. 2., and who also had the charge of the prison, *Liv.* xxxii. 26., and of the execution of condemned criminals, *Sall. Cat.* 55.

*TRIUMVIRI MONETALES*, who had the charge of the mint (*qui auro, argento, æri, flando, feriundo præerant*, which is often marked in letters, A. A. A. F. F.), *Dio.* liv. 26. According to the advice of Mæcenæ to Augustus, *Dio.* lii. 29., it appears that only Roman coins were permitted to circulate in the provinces, *Matth.* xxii. 20.

*NUMMULARII*, vel *pecuniæ spectatores*, saymasters (*ad quos nummi probandi causâ deferebantur, an probi essent, cujus auri, an subærat, an æqui ponderis, an bonæ fusionis*).

*TRIUMVIRI NOCTURNI*, vel *tresviri*, who had the charge of preventing fires (*incendiis per urbem arcendis præerant*), *Liv.* ix. 46., and walked round the watches in the night-time (*vigilias circumibant*), attended by eight lictors, *Plaut. Amphit.* i. 1. 3.

*QUATUOR VIRI VIALES*, vel *viocûri* (*qui vias curabant*), who had the charge of the streets and public roads.

All these magistrates used to be created by the people at the *Comitia Tributa*.

Some add to the *Magistratus Ordinarii Minores* the CENTUMVIRI *litibus judicandis* (vel *stilitibus judicandis*, for so it was anciently written), a body of men chosen out of every tribe (so that properly there were 105), for judging such causes as the prætor committed to their decision; and also the DECEMVIRI *litibus judicandis*. But these were generally not reckoned magistrates, but only judges. \*

## NEW ORDINARY MAGISTRATES UNDER THE EMPERORS.

AUGUSTUS instituted several new offices; as, *Curatores operum publicorum, viarum, aquarum, alvei Tiberis, sc. repurgandi et laxioris faciendi, frumenti populo dividundi*; persons who had the charge of the public works, of the roads, of bringing water to the city, of cleansing and enlarging the channel of the Tiber, and of distributing corn to the people, *Suet. Aug. 37*. The chief of these officers were: —

I. The governor of the city (PRÆFECTUS URBI, vel *urbis*, whose power was very great, and generally continued for several years, *Tacit. Ann. vi. 11*).

A præfect of the city used likewise formerly to be chosen occasionally (*in tempus deligebatur*), in the absence of the kings, and afterwards of the consuls. He was not chosen by the people, but appointed, first by the kings, and afterwards by the consuls, (*a regibus impositi: Postea consules mandabant*, *Tacit. ibid.*) He might, however, assemble the senate, even although he was not a senator, *Gell. xiv. c. ult.* and also hold the *comitia*, *Liv. i. 59*. But after the creation of the prætor, he used only to be appointed for celebrating the *Feriae Latinae*, or Latin holydays. [*“ Tac. Ann. iv. 36.” — T.*] †

\* The proper sign of authority, when these judges acted, was the setting up a spear in the forum: —

“*Seu trepidos ad jura decem citat hasta virorum,  
Seu firmare jubet centeno judice causam.*” — *Lucan.*

So *Stat. Silv. iv. 4. 43*. Cessat centeni moderatrix judicis hasta. See p. 112. It is observed by Grævius, that a spear was the common ensign of power among the ancients, and, therefore, given to gods in their statues; and to kings and princes, till it was succeeded by the sceptre. (*Præfat. ii. Tom. Thesaur. Ant. Rom.*)

† “Whenever the kings were in the field, their place at Rome was filled by the first senator, who, like them, decided cases concerning property and occupancy, and provided against sudden emergencies. When any danger threatened from within or without, the deputy was, beyond all question, authorised to raise men and to arm them, to convoke the senate, and to put measures to the vote before the curies. When as yet the senate consisted only of 100 men, one of the ten first was chosen chief of the whole body by the king, and intrusted with the wardenship of the city: so that he not only belonged of necessity to the decury of the interrexes, but the *custos urbis*, as the deputy was called, was the first in that decury. Hence Sp. Lucretius, who filled that office, held the *comitia* for electing the first consuls as interrex, *Dionys. iv. 84.*, as *præfectus urbis*, *Liv. i. 60*. The kings, whose own authority lasted for life, may probably have also bestowed the lieutenantship for the same term; as in after-times the dignity of first senator abode with the person who had once obtained

Augustus instituted this magistracy by the advice of Mæcenæ, *Dio.* lii. 21., who himself in the civil wars had been intrusted by Augustus with the charge of the city and of Italy (*cunctis apud Romam atque Italiam præpositus*), *Tacit. ibid.* *Hor. Od.* iii. 8. 17. *Ibid.* 29. 25. The first præfect of the city was *Messāla Corvinus*, only for a few days; after him *Taurus Statilius*, and then *Piso* for twenty years. He was usually chosen from among the principal men of the state (*ex viris primariis vel consularibus*). His office comprehended many things which had formerly belonged to the prætors and ædiles. He administered justice betwixt masters and slaves, freedmen and patrons; he judged of the crimes of guardians and curators; he checked the frauds of bankers and money-brokers; he had the superintendence of the shambles (*carnis curam gerebat*), and of the public spectacles: in short, he took care to preserve order and public quiet, and punished all transgressions of it, not only in the city, but within a hundred miles of it (*intra centesimum ab urbe lapidem*), *Dio.* lii. 21. He had the power of banishing persons both from the city and from Italy, and of transporting them to any island which the emperor named (*in insulam deportandi*), *Ulpian. de Off. Præf. Urb.*

The præfect of the city was, as it were, the substitute (*vicarius*) of the emperor, and had one under him, who exercised jurisdiction in his absence, or by his command.

The præfect of the city seems to have had the same *insignia* with the prætors.

II. The præfect of the prætorian cohorts (PRÆFECTUS PRÆTORIO, vel *prætoriiis cohortibus*); or the commander of the emperor's body guards.

Augustus instituted two of these from the equestrian order, by the advice of Mæcenæ, that they might counteract one another, if one of them attempted any innovation, *Dio.* lii. 24. Their power was at first but small, and merely military: but Sejanus, being alone invested by Tiberius with this command, increased its influence (*vim præfecturæ modicam antea intendit*), by collecting the prætorian cohorts, formerly dispersed through the city, into one camp, *Tacit. Ann.* iv. 2. *Suet. Tib.* 37.

The præfect of the prætorian bands was under the succeeding emperors made the instrument of their tyranny, and therefore that

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it: under an annual magistracy, however, it is extremely improbable that this office should have had such a duration. In the twenty-third year of the consulate, 267, the lieutenantship was elevated into a magistracy, to be bestowed by election. The first elective warden, A. Sempronius Atratinus, was appointed by the senate. The eligibility was still confined to consulars; every prefect mentioned in history before the decemvirate occurs previously as consul. In the stormy years 292 and 295, the wardens appear as the heads of the commonwealth in the senate and in the forum. After the office became a magistracy bestowed by the burghers, it may soon have been the practice for them to hold a permanent tribunal, before which litigants appeared; an appeal to the higher tribunal of the consuls being left open to them. The same was the case with regard to the *prætor urbanus*. After the office of the ancient *custos urbis* was merged, like the consulate, in the decemvirate, the two offices grew up again out of it, each under a new name: and we shall find the wardenship sometimes alongside of the military tribunate, sometimes united with it, sometimes swallowed up in it, until it acquires a permanent character and a higher dignity, as the prætorship of the city." — *Nieb. il.* p. 110.



office was conferred on none but those whom they could entirely trust.

They always attended the emperor, to execute his commands: hence their power became so great, that it was little inferior to that of the emperor himself (*ut non multum absuerit a principatu; munus proximum vel alterum ab Augusti imperio*, Victor. de Cæs. 9.). Trials and appeals were brought before them; and from their sentence there was no appeal, unless by way of supplication to the emperor.

The prætorian præfect was appointed to his office by the emperor's delivering to him a sword, *Plin. Paneg.* 67. *Herod.* iii. 2. *Dio.* lxviii. 33.

Sometimes there was but one præfect and sometimes two. Constantine created four *præfecti prætorio*: but he changed their office very much from its original institution; for he made it civil instead of military, and divided among them the care of the whole empire. To one he gave the command of the East, to another of Illyricum, to a third of Italy and Africa, and to a fourth, of Gaul, Spain, and Britain; but he took from them the command of the soldiers, and transferred that to officers, who were called *magistri equitum*.

Under each of these *præfecti prætorio* were several substitutes (*vicarii*), who had the charge of certain districts, which were called DIOECESSES; and the chief city in each of these, where they held their courts, was called METROPOLIS. Each *diœcœsis* might contain several *metropoles*, and each *metropolis* had several cities under it. But Cicero uses DIOECESIS for the part of a province, *ad Attic.* v. 21. *Fam.* iii. 8. xiii. 53. 67., and calls himself EPISCOPUS, inspector or governor of the Campanian coast, as of a *diœcœsis*, *ad Att.* vii. 11.

III. PRÆFECTUS ANNONÆ, vel *rei frumentariæ*, who had the charge of procuring corn.

A magistrate used to be created for that purpose on extraordinary occasions under the republic; thus L. Minutius, *Liv.* iv. 12., and so afterwards Pompey, with great power (*omnis potestas rei frumentariæ toto orbe in quinquennium ei data est*), *Cic. Att.* iv. 1. *Dio.* xxxix. 9. *Liv. Epit.* 104. *Plin. Pan.* 29. In the time of a great scarcity, Augustus himself undertook the charge of providing corn (*præfecturam annonæ suscepit*), and ordained, that for the future two men of prætorian dignity should be annually elected to discharge that office, *Dio.* liv. 1.; afterwards he appointed four, *ibid.* 17.; and thus it became an ordinary magistracy. But usually there seems to have been but one *præfectus annonæ*; it was at first an office of great dignity, *Tacit. Ann.* i. 7. xi. 31. *Hist.* iv. 68., but not so in after-times, *Boeth. de Consol. Phil.* iii.

IV. PRÆFECTUS MILITARIS ÆRARII, a person who had the charge of the public fund which Augustus instituted for the support of the army, (*ærarium militare, cum novis vectigalibus ad tuendos prosequendosque milites*, *Suet. Aug.* 49.)

V. PRÆFECTUS CLASSIS, admiral of the fleet. Augustus equipped two fleets, which he stationed (*constituit*), the one at Ravenna on the Hadriatic, and the other at Misena or -um on the

Tuscan sea. Each of these had its own proper commander (*præfectus classis Ravennatis*, Tacit. Hist. iii. 12., *et præfectus classis Misenatium*, Veget. iv. 32.). There were also ships stationed in other places; as in the Pontus Euxinus, Tacit. Hist. ii. 83., near Alexandria, Suet. Aug. 98., on the Rhine, Flor. iv. 12., and Danube, Tacit. Annal. xiii. 30. &c.

VI. PRÆFECTUS VIGILUM, the officer who commanded the soldiers who were appointed to watch the city. Of these there were seven cohorts, one for every two wards (*una cohors binis regionibus*), composed chiefly of manumitted slaves (*libertino milite*), Suet. Aug. 25. 30. Those who guarded adjoining houses in the night-time, carried each of them a bell (*κρόδων*, *tintinnabulum*), to give the alarm to one another when any thing happened, Dio. liv. 4.

The *præfectus vigilum* took cognizance of incendiaries, thieves, vagrants, and the like; and if any atrocious case happened, it was remitted to the præfect of the city.

There were various other magistrates in the latter times of the empire, called *Comites*, *Correctores*, *Duces*, *Magistri Officiorum*, *Scriniariorum*, &c. who were honoured with various epithets, according to their different degrees of dignity; as, *Clarissimi*, *illustres*, *spectabiles*, *egregii*, *perfectissimi*, &c. The highest title was, *nobilissimus* and *gloriosissimus*.

## EXTRAORDINARY MAGISTRATES.

### I. DICTATOR AND MASTER OF HORSE.

THE Dictator was so called, either because he was *named* by the consul (*quòd a consule diceretur, cui dicto omnes audientes essent*, Varro de Lat. Ling. iv. 14.), or rather from his publishing *edicts* or orders (*a dictando, quòd multa dictaret, i. e. ediceret: et homines pro legibus haberent quæ diceret*, Suet. Jul. 77.). He was also called *magister populi*, Sen. Epist. 108., and *prætor maximus*, Liv. vii. 3.

This magistracy seems to have been borrowed from the Albans, or Latins, Liv. i. 23. Cic. *pro Mil.* 10. [See Nieb. ii. p. 32.]

It is uncertain who was first created dictator, or in what year. Livy says, that T. Lartius was first created dictator, A. U. 253, nine years after the expulsion of the kings, *ibid.*

The first cause of creating a dictator was the fear of a domestic sedition, and of a dangerous war from the Latins. As the authority of the consuls was not sufficiently respected, on account of the liberty of appeal from them, it was judged proper, in dangerous conjunctures, to create a single magistrate, with absolute power, from whom there should be no appeal, Liv. ii. 18. 29. iii. 20. Cic. *de Legg.* iii. 3., and who should not be restrained by the interposition of a colleague, Dionys. v. 70. &c.

A dictator was afterwards created also for other causes:

As, 1. For fixing a nail (*clavi figendi vel pangendi causâ*) in the right side of the temple of Jupiter, which is supposed to have been

done in those rude ages (*cùm literæ erant raræ*), to mark the number of years. This was commonly done by the ordinary magistrate; but in the time of a pestilence, or of any great public calamity, a dictator was created for that purpose (*quia majus imperium erat*), to avert the divine wrath, *Liv.* vii. 3. viii. 18. \*

2. For holding the comitia, *Liv.* viii. 23. ix. 7. xxv. 2.

3. For the sake of instituting holydays, *Id.* vii. 28., or of celebrating games when the prætor was indisposed, *Liv.* viii. 40. ix. 34.

4. For holding trials (*quæstionibus exercendis*), *Id.* ix. 26.

And, 5. Once for choosing senators (*qui senatum legeret*), on which occasion there were two dictators; one at Rome, and another commanding an army, which never was the case at any other time, *Liv.* xxiii. 22. &c.

The dictator was not created by the suffrages of the people, as the other magistrates; but one of the consuls, by order of the senate, named as dictator whatever person of consular dignity he thought proper †; and this he did, after having taken the auspices, usually in the dead of the night (*nocte silentio, ut mos est, dictatorem dixit*), *Liv.* viii. 23. ix. 38. *Dionys.* x. 23. (*post mediam noctem*), *Fest.* in voc. SILENTIO, SINISTRUM, et SOLIDA SELLA.

One of the military tribunes also could name a dictator; about which Livy informs us there was some scruple, iv. 31.

A dictator might be nominated out of Rome, provided it was in the Roman territory, which was limited to Italy.

Sometimes the people gave directions whom the consuls should name dictator, *Liv.* xxvii. 5.

Sulla and Cæsar were made dictators at the *comitia*, an interrex presiding at the creation of the former, and Lepidus the prætor at the creation of the latter, *Cic. pro Rull.* iii. 2. *Cæs. Bell. Civ.* ii. 19. *Dio.* xli. 36.

In the second Punic war, A. U. 536, after the destruction of the

\* “Livy (vii. 3.) informs us, that the annual nail was driven in for the first time by M. Horatius, at the dedication of the capitol, and that the ides of September were the day of the dedication. The design of the ordinance was to prevent the loss of years in the record of time; it being impossible that the official years should answer exactly to the astronomical, when the time of the magistrates expired before their successors were elected. The rule seems to have been for the new magistrates to enter upon their office on the calends or ides of a month; whereby, unless extraordinary circumstances called for despatch, the commencement of the official year was put off for half a month, as often as the election was held by an interrex.” — *Nieb.* i. p. 225.

† Niebuhr (i. p. 499.) contends that he was nominated by the senate, and approved by the *populus*, or patricians; i. e. according to the old mode of electing the kings, after his appointment he had to obtain the *imperium* from the curies. (*Liv.* iv. 17. v. 46. vii. 6. ix. 38.) “Under the old system a plebeian could not possibly be dictator; and as C. Marcius, in the year 399, brought this office into his own order, whereas in 393 it is expressly stated, that the patricians gave their assent to the appointment, it is almost certain that the change took place within this interval. So late as in 444, the bestowal of the *imperium* was assuredly something more than an empty form; but it became such by the Mænian law: thenceforward it was only necessary that the consul should consent to proclaim the person named by the senate. Thus, after that time, in the advanced state of popular freedom, the dictatorship could occur but seldom, except for trivial purposes: if on such occasions the appointment was left to the consuls, they would likewise advance pretensions to exercise it in the solitary instances where the office still had any real importance.” — P. 500.

consul Flaminius and his army at the Thrasimene lake, when the other consul was absent from Rome, and word could not easily be sent to him, the people created Q. Fabius Maximus PRODIGATOR, and M. Minucius Rufus master of horse, *Liv.* xxii. 8. 31.

The power of the dictator was supreme both in peace and war. He could raise and disband armies; he could determine about the life and fortunes of Roman citizens, without consulting the people or senate. His edict was observed as an oracle (*pro numine observatum*), *Liv.* viii. 34. At first there was no appeal from him, till a law was passed that no magistrate should be created without the liberty of appeal (*sine provocatione*), first by the consuls Horatius and Valerius, A. U. 304, *Liv.* iii. 55., and afterwards by the consul M. Valerius, A. U. 453, *Liv.* x. 9. *Festus in voc.* OPTIMA LEX. But the force of this law with respect to the dictator is doubtful. It was once strongly contested, *Liv.* viii. 33. but never finally decided.

The dictator was attended by twenty-four lictors\*, with the *fascēs* and *securēs*, even in the city, *Liv.* ii. 18.; so that Livy justly calls *imperium dictatoris, suo ingenio vehemens*, ii. 30.

When a dictator was created, all the other magistrates abdicated their authority, except the tribunes of the commons, *Polyb.* iii. 87. The consuls, however, still continued to act, *Liv.* iv. 27., but in obedience to the dictator, and without any ensigns of authority in his presence, *Liv.* xxii. 11.

The power of the dictator was circumscribed by certain limits.

1. It only continued for the space of six months (*semestris dictatura*), *Liv.* ix. 34., even although the business for which he had been created was not finished, and was never prolonged beyond that time, except in extreme necessity, as in the case of Camillus, *Liv.* vi. 1. For Sulla and Cæsar usurped their perpetual dictatorship, in contempt of the laws of their country.

But the dictator usually resigned his command whenever he had effected the business for which he had been created. Thus Q. Cincinnatus and Mamercus Æmilius abdicated the dictatorship on the sixteenth day, *Liv.* iii. 29. iv. 34.; Q. Servilius on the eighth day, *Id.* iv. 47. &c.

2. The dictator could lay out none of the public money, without the authority of the senate or the order of the people.

3. A dictator was not permitted to go out of Italy; which was only once violated, and that on account of the most urgent necessity, in Atilius Calatinus, *Liv. Epit.* xix.

4. The dictator was not allowed to ride on horseback, without asking the permission of the people, *Liv.* xxiii. 14., to show, as it is thought, that the chief strength of the Roman army consisted in the infantry.

But the principal check against a dictator's abuse of power was,

\* "This appears to be erroneous. Plutarch, indeed, tells us, in his Life of Fabius, that the dictator was attended by twenty-four lictors; but, as Lipsius observes, this statement is contradicted by higher authority; for we are told in the epitome of the eighty-ninth book of Livy, that Sulla, in assuming to himself twenty-four lictors, had done a thing entirely unprecedented: "Sulla, dictator factus, quod nemo quidem unquam fecerat, cum fascibus viginti quatuor processit." — *Crombie's G.* ii. p. 163.

that he might be called to an account for his conduct, when he resigned his office, *Liv.* vii. 4.

For 120 years before Sulla, the creation of a dictator was disused, but in dangerous emergencies the consuls were armed with dictatorial power. After the death of Cæsar, the dictatorship was for ever abolished from the state, by a law of Antony the consul, *Cic. Phil.* i. 1. And when Augustus was urged by the people to accept the dictatorship, he refused it with the strongest marks of aversion (*genu nixus, dejectâ ab humeris togâ, nudo pectore, deprecatus est*), *Suet. Aug.* 52. Possessed of the power, he wisely declined an odious appellation, *Dio.* liv. 1. For ever since the usurpation of Sulla, the dictatorship was detested on account of the cruelties which that tyrant had exercised under the title of dictator.

To allay the tumults which followed the murder of Clodius by Milo, in place of a dictator Pompey was by an unprecedented measure made sole consul, A. U. 702, *Dio.* xl. 50. He, however, on the first of August, assumed Scipio, his father-in-law, as colleague, *Dio.* xl. 51.

When a dictator was created, he immediately nominated (*dixit*) a master of horse (MAGISTER EQUITUM), usually from among those of consular or prætorian dignity, whose proper office was to command the cavalry, and also to execute the orders of the dictator. M. Fabius Buteo, the dictator nominated to choose the senate, had no master of horse. [*Liv.* xxiii. 22.]

Sometimes a master of horse was pitched upon (*datus vel additus est*) for the dictator, by the senate, or by order of the people, *Liv.* vii. 12. 24. 28. [viii. 17.]

The *magister equitum* might be deprived of his command by the dictator, and another nominated in his room, *Liv.* viii. 35.

The people at one time made the master of the horse, Minucius, equal in command with the dictator Fabius Maximus, *Liv.* xxii. 26.

The master of horse is supposed to have had much the same *insignia* with the prætor\*, six lictors, the *prætecta*, &c. *Dio.* xlii. 27. He had the use of a horse, which the dictator had not without the order of the people.

## II. THE DECEMVIRS.

THE laws of Rome at first, as of other ancient nations, were very few and simple, *Tacit. Ann.* iii. 26. It is thought there was for some time no written law (*nihil scripti juris*). Differences were determined (*lites dirimebantur*) by the pleasure of the kings (*regum arbitrio*), according to the principles of natural equity (*ex æquo et bono*), *Senec. Epist.* 90., and their decisions were held as laws, *Dionys.* x. 1. The kings used to publish their commands, either by pasting them up in public on a white wall or tablet (*in album relata proponere in publico*), *Liv.* i. 32., or by a herald, *ib.* 44. Hence they were said, *omnia MANU gubernare*, *Pompon.* 1. 2. § 3. *D. de Orig. Jur.* (i. e. *potestate et imperio*, *Tacit. Agric.* 9.)

The kings, however, in every thing of importance, consulted the senate, and likewise the people. Hence we read of the LEGES

\* "*Magistrum equitum, quæ consularis potestas sit*, *Liv.* xxiii. 11." — T.

CURIATÆ of Romulus and of the other kings, which were also called LEGES REGIÆ, *Liv.* v. 1.

But the chief legislator was Servius Tullius (*præcipuus sanctor legum*), *Tac. Ann.* iii. 26., all whose laws, however, were abolished at once (*uno edicto sublata*) by Tarquinius Superbus, *Dionys.* iv. 43.

After the expulsion of Tarquin, the institutions of the kings were observed, not as written law, but as customs (*tanquam mores majorum*); and the consuls determined most causes, as the kings had done, according to their pleasure.

But justice being thus extremely uncertain, as depending on the will of an individual (*in unius voluntate positum*, *Cic. Fam.* ix. 16.), C. Terentius Arsa, [or Terentilius Harsa, *Nieb.* ii. 277.] a tribune of the commons, proposed to the people, that a body of laws should be drawn up, to which all should be obliged to conform (*quo omnes uti deberent*). But this was violently opposed by the patricians, in whom the whole judicative power was vested, and to whom the knowledge of the few laws which then existed was confined, *Liv.* iii. 9.

At last, however, it was determined, A. U. 299, by a decree of the senate and by the order of the people, that three ambassadors should be sent to Athens to copy the famous laws of Solon, and to examine the institutions, customs, and laws of the other states in Greece, *Liv.* iii. 31. *Plin. Ep.* viii. 24. \*

Upon their return, ten men (DECEMVIRI) were created from among the patricians, with supreme power, and without the liberty of appeal, to draw up a body of laws (*legibus scribendis*), all the other magistrates having first abdicated their office, *Liv.* iii. 32, 33.

The *decemviri* at first behaved with great moderation. They administered justice to the people each every tenth day. The twelve *fascēs* were carried before him who was to preside, and his nine colleagues were attended by a single officer, called ACCENSUS, *Liv.* iii. 33.† They proposed ten tables of laws, which were ratified by the people at the *Comitia Centuriata*. In composing them, they are said to have used the assistance of one HERMODORUS, an Ephesian exile, who served them as an interpreter, *Cic. Tusc.* v. 36. *Plin.* xxxiv. 5. s. 10.

As two other tables seemed to be wanting, *decemviri* were again created for another year to make them. But these new magistrates acting tyrannically, and wishing to retain their command beyond the legal time‡, were at last forced to resign, chiefly on account of the

\* See *Nieb.* ii. p. 303.

† "As the first decemvirate represented a decury of interrexes, the supreme power was always lodged with one of their body at a time, who was called the *custos urbis*; he was attended by the lictors, and presided over the senate and the whole republic as warden of the city. The rest, each of whom had merely a beadle at his orders, are said to have acted as judges. There is no imaginable reason why the rotation should have followed any other law than it would have done in a decury of interrexes, where the kingly power remained five days with each: and this conjecture is favoured by Dionysius, who speaks in vague terms of a certain number of days, x. 57." — *Nieb.* ii. p. 311.

‡ "It is quite certain that the decemvirs were appointed for a longer period than a year, though the writers, who had no notion of any but annual magistracies, represent their retaining their office beyond this term as a usurpation. Had it been so, it would not have been provided in the compact with the ancient commonalty that the decemvirs were to lay down their office as soon as possible (*Liv.* iii. 54. *Factum*



base passion of Appius Claudius, one of their number, for Virginia, a virgin of plebeian rank, who was slain by her father to prevent her falling into the decemvir's hands. The *decemviri* all perished, either in prison or in banishment.

But the laws of the twelve tables (*LEGES DUODECIM TABULARUM*) continued ever after to be the rule and foundation of public and private right through the Roman world (*Fons universi publici privatique juris*, Liv. iii. 34.; *Finis æqui juris*, Tacit. Ann. iii. 27.) [*Cic. de Orat.* i. 43, 44.] They were engraved on brass, and fixed up in public, (*Leges DECEMVIRALES, quibus tabulis duodecim est nomen, in æs incisas in publico proposuerunt sc. consules*, Liv. iii. 57.) and even in the time of Cicero, the noble youth who meant to apply to the study of jurisprudence, were obliged to get them by heart as a necessary rhyme (*tanquam carmen necessarium*), *Cic. de Legg.* ii. 23., not that they were written in verse, as some have thought; for any set form of words (*verba concepta*), even in prose, was called *CARMEN*, Liv. i. 24. 26. iii. 64. x. 38., or *carmen compositum*, *Cic. pro Muren.* 12. \*

### III. TRIBUNI MILITUM CONSULARI POTESTATE.

THE cause of their institution has already been explained (see p. 95.) They are so called, because those of the plebeians who had been military tribunes in the army were the most conspicuous. Their office and *insignia* were much the same with those of the consuls.

### IV. INTERREX.

CONCERNING the causes of creating this magistrate, &c. (see p. 100.)

### OTHER EXTRAORDINARY MAGISTRATES OF LESS NOTE.

THERE were several extraordinary inferior magistrates; as *DUUMVIRI perduellionis judicandæ causâ*, Liv. i. 26. vi. 29. *Duumviri*

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*senatusconsultum ut se decemviri primo quoque tempore magistratu abdicarent*): for this expressly acknowledges that they had a legal right to continue in it." — *Nieb.* ii. p. 328.

\* "There can be no doubt that after the time of the decemvirate, the inferiority of the lesser houses in the senate was put an end to, and that all patricians indiscriminately were eligible to every office in the state, and even to the sacerdotal dignities, though the colleges of priests were not enlarged. The curies, though their nature was considerably altered, continued to subsist; but the three ancient tribes are no longer mentioned, except as an obsolete institution. When they had been set aside, the order in which the thirty curies were to be called up to vote would be determined by lot. An innovation of incomparably greater moment, through its consequences, which certainly were not anticipated, was, that all who were ærarians at the time were enrolled in the tribes. That this was a measure of the decemvirs, might be inferred from the design of their legislation, and from the institution of general tribes: and on comparing the plebs on its reappearance, after the decemvirate, with its previous character, we see clearly that the body which now bears this name is no longer the old one of hereditary landowners, but has been altered by the infusion of foreign elements. The clients, too, who in earlier times are distinguished from the plebeians, are now reckoned among them, and make up a large part of the tribes." — *Nieb.* ii. p. 317.

*navales, classis ornandæ reficiendæque causâ*, Id. ix. 30. xl. 18. 26. xli. 1. *Duumviri ad ædem Junoni Monetæ faciundam*, Id. vii. 28.

TRIUMVIRI *coloniæ deducendæ*, Liv. iv. 11. vi. 26. viii. 16. ix. 28. xxi. 25. xxxi. 49. xxxii. 29. *Triumviri bini, qui citra et ultra quinquagesimum lapidem in pagis forisque et conciliabulis omnem copiam ingenuorum inspicerent, et idoneos ad arma ferenda conquærent, militesque facerent*, Id. xxv. 5. *Triumviri bini; uni sacris conquærendis donisque persignandis; alteri reficiendis ædibus sacris*, Id. xxv. 7. *Triumviri mensarii, facti ob argenti penuriam*, Liv. xxiii. 21. xxiv. 18. xxvi. 36.

QUINQUEVIRI, *agro Pomptino dividendo*, Liv. vi. 21. *Quinquæviri ab dispensatione pecuniæ MENSARII appellati*, Id. vii. 21. *Quinquæviri muris turribusque reficiendis*, Id. xxv. 7., *minuendis publicis sumptibus*, Plin. Ep. ii. 1. Pan. 62.

DECEMVIRI *agris inter veteranos milites dividendis*, Liv. xxxi. 4. \*

Several of these were not properly magistrates. They were all, however, chosen from the most respectable men of the state. Their office may in general be understood from their titles.

## PROVINCIAL MAGISTRATES.

THE provinces of the Roman people were at first governed by *prætors* (see p. 113.), but afterwards by *proconsuls* and *proprætors*, to whom were joined *quæstors* and *lieutenants*.

The usual name is PROCONSUL and PROPRÆTOR; but sometimes it is written *pro consule* and *pro prætore*, in two words; so likewise *pro quæstore*, Cic. Acad. 4. 4. Verr. i. 15. 38.

Anciently those were called *proconsuls*, to whom the command of consul was prolonged (*imperium prorogatum*) after their office was expired, Liv. viii. 22. 26. ix. 42. x. 16., or who were invested with *consular* authority, either from a subordinate rank, as Marcellus, after being prætor (*ex prætura*), Liv. xxiii. 30., and Gellius, Cic. Legg. i. 20., or from a private station, as Scipio, xxvi. 18. xxviii. 38. This was occasioned by some public exigence, when the ordinary magistrates were not sufficient. The same was the case with *proprætors*, Cic. Phil. v. 16. Suet. Aug. 10. Sall. Cat. 19. The first *proconsul* mentioned by Livy was T. Quinctius, A. U. 290, Liv. iii. 4. But he seems to have been appointed for the time. The first to whom the consular power was prolonged was Publilius, Liv. viii. 23. 26. f. The name of *Proprætor* was also given to a person whom a general left to command the army in his absence, Sallust. Jug. 36. 103.

The names of *consul* and *proconsul*, *prætor* and *proprætor*, are sometimes confounded, Suet. Aug. 3. And we find all governors of provinces called by the general name of *proconsules*, as of *præsides*, *ibid.* 36.

The command of consul was prolonged, and proconsuls occasionally appointed, by the *Comitia Tributa*, Liv. x. 24. xxix. 13. xxx. 27.

\* *Septemviri*, commissioners for dividing the Campanian and Leontine land, Cic. Phil. ii. 38.

except in the case of Scipio, who was sent as *proconsul* into Spain by the *Comitia Centuriata*, xxvi. 18.

But after the empire was extended, and various countries reduced to the form of provinces, magistrates were regularly sent from Rome to govern them, according to the Sempronian law (see p. 105.), without any new appointment of the people. Only military command was conferred on them by the *Comitia Curiata*. (See p. 74.)

At first the provinces were annual, i. e. a proconsul had the government of a province only for one year; and the same person could not command different provinces. But this was violated in several instances; especially in the case of Julius Cæsar, *Suet. Jul.* 22. 24. *Cic. Fam.* i. 7. (See p. 20. 106.) And it is remarkable that the timid compliance of Cicero with the ambitious views of Cæsar, in granting him the continuation of his command, and money for the payment of his troops, with other immoderate and unconstitutional concessions, *de Provinc. Consul. & pro Balbo*, 27., although he secretly condemned them, *Fam.* i. 7. *Attic.* ii. 17. x. 6., proved fatal to himself, as well as to the republic.

The prætors cast lots for their provinces (*provincias sortiebantur*), or settled them by agreement (*inter se comparabant*), in the same manner with the consuls, *Liv.* xxvii. 36. xxxiv. 54. xlv. 16, 17. But sometimes provinces were determined to both by the senate or people, *Id.* xxxv. 20. xxxvii. 1.

The senate fixed the extent and limits of the provinces, the number of soldiers to be maintained in them, and money to pay them; likewise the retinue of the governors (COMITATUS vel *cohors*), and their travelling charges (VIATICUM). And thus the governors were said ORNARI, i. e. *instrui*, to be furnished, *Cic. in Rull.* ii. 13. What was assigned them for the sake of household furniture was called VASARIUM, *Cic. in Pis.* 35. So *vasa*, furniture, *Liv.* i. 24.

A certain number of lieutenants was assigned to each proconsul and proprætor, who were appointed usually by the senate, *Cic. Fam.* i. 7., or with the permission of the senate by the proconsul himself, *Id.* xii. 55. *Nep. Attic.* 6., who was then said, *aliquem sibi legare*, *Id.* vi. 6., or very rarely by an order of the people, *Cic. in Vatin.* 15. The number of lieutenants was different, according to the rank of the governor, or the extent of the province, *Cic. Phil.* ii. 15. Thus, Cicero in Cilicia had four, Cæsar in Gaul ten, and Pompey in Asia fifteen. The least number seems to have been three; Quintus, the brother of Cicero, had no more in Asia Minor, *Cic. ad Q. fr.* i. 1. 3.

The office of a *legatus* was very honourable; and men of prætorian and consular dignity did not think it below them to bear it. Thus Scipio Africanus served as *legatus* under his brother Lucius, *Liv.* xxxvii. 1. &c. *Gell.* iv. 18.

The *legati* were sometimes attended by lictors, *Liv.* xxix. 9., as the senators were when absent from Rome, *jure liberæ legationis* (see p. 18.), but the person under whom they served, might deprive them of that privilege, *Cic. Fam.* xii. 30.

In the retinue of a proconsul were comprehended his military officers (*præfecti*), and all his public and domestic attendants, *Cic. Verr.* ii. 10. Among these were young noblemen, who went with him to learn the art of war, and to see the method of conducting

public business ; who, on account of their intimacy, were called CON-TUBERNALES, *Cic. pro Cæl. 30. pro Planc. 11.* From this retinue, under the republic, women were excluded, but not so under the emperors, *Tacit. Ann. iii. 33, 34. Suet. Octav. 34.*

A proconsul set out for his province with great pomp. Having offered up vows in the Capitol (*volis in capitolio nuncupatis*), dressed in his military robe (*paludatus*), with twelve lictors going before him, carrying the *fascēs* and *secures*, and with the other ensigns of command, he went out of the city with all his retinue. From thence he either went straightway to the province, or if he was detained by business, by the interposition of the tribunes, or by bad omens, *Plutarch. in Crasso ; Cic. Divin. i. 16. ii. 9. Flor. iii. 11. Dio. xxxvii. 50.*, he staid for some time without the city, for he could not be within it while invested with military command. His friends, and sometimes the other citizens, out of respect accompanied him (*officii causa prosequabantur*) for some space out of the city with their good wishes, *Liv. xlii. 49. xlv. 59.* When he reached the province, he sent notice of his arrival to his predecessor, that, by an interview with him, he might know the state of the province ; for his command commenced on the day of his arrival ; and, by the CORNELIAN law, the former proconsul was obliged to depart within thirty days after, *Cic. Fam. iii. 6.*

A proconsul in his province had both judicial authority and military command (*potestatem vel jurisdictionem et imperium*). He used so to divide the year, that he usually devoted the summer to military affairs, or going through the province, and the winter to the administration of justice, *Cic. Att. v. 14. Verr. v. 12.* He administered justice much in the same way with the prætor at Rome, according to the laws which had been prescribed to the province when first subdued, or according to the regulations which had afterwards been made concerning it by the senate or people at Rome ; or, finally, according to his own edicts, which he published in the province concerning every thing of importance, *Cic. Att. vi. 1.* These, if he borrowed them from others, were called TRANSLATITIA vel *Tra-latitia* v. *-icia* ; if not, NOVA. He always published a general edict before he entered on his government, as the prætor did at Rome.

The proconsul held assizes or courts of justice (*forum vel conventus agebat*), in the principal cities of the province, so that he might go round the whole province in a year. He himself judged in all public and important causes ; but matters of less consequence he referred to his quæstor or lieutenants, *Cic. Flav. 21. in Cæcil. 17. Verr. ii. 18. Suet. Jul. 7.*, and also to others, *Cic. Att. v. 21. ad Q. frat. i. 1. 7.*

The proconsul summoned these meetings (*conventus indicebat*), by an edict on a certain day, when such as had causes to be determined should attend, *Liv. xxxi. 29.* To this Virgil is thought to allude, *Æn. v. 578. Indicitque forum, &c.*

The provinces were divided into so many districts, called CON-VENTUS, or *circuits* (*ῥήμοι*, *Plin. Ep. x. 5.*) the inhabitants of which went to a certain city to get their causes determined, and to obtain justice (*disceptandi et juris obtinendi causâ conveniebant*). Thus Spain was divided into seven circuits (*in septem conventus*), *Plin. iii. 3.* The Greeks called *conventus agere*, ἀγοραίους ἄγειν, sc. ἡμέρας.

So, in *Act. Apost.* xix. 38. ἀγοραῖοι ἄγοραι, &c. *contentus aguntur, sunt proconsules; in jus vocent se invicem.* Hence, *contentus circumire*, Suet. Jul. 7., *percurrere*, Cæs. viii. 46. for *urbes circumire, ubi hi contentus agebantur.*

The proconsul chose usually twenty of the most respectable men of the province, who sat with him in council (*qui ei in consilio aderant, assidebant*), and were called his council, CONSILIUM\*, *Consilarii*, ASSESSORES, et *Recuperatores*. Hence, *Consilium cogere, in consilium advocare, adhibere; in consilio esse, adesse, assidere, habere; in consilium ire, mittere, admittere, &c.* The proconsul passed sentence according to the opinion of his council (*de consilii sententiâ decrevit, pronunciavit*), &c.†

As the governors of provinces were prohibited from using any other language than the Latin, in the functions of their office, *Val. Max.* ii. 2. 2., they were always attended by interpreters, *Cic. Verr.* iii. 37. *Fam.* xiii. 54. The judges were chosen differently in different places, according to the rank of the litigants, and the nature of the cause, *Cic. Verr.* ii. 13. 15. 17.

The proconsul had the disposal (*curatio*) of the corn, of the taxes, and, in short, of every thing which pertained to the province. Corn given to the proconsul by way of present was called HONORARIUM, *Cic. in Pis.* 35.

If a proconsul behaved well, he received the highest honours. *Cic. Att.* v. 21., as *statues, temples, brazen horses, &c.*, which, through flattery, used indeed to be erected of course to all governors, though ever so corrupt and oppressive.

Festival days also used to be appointed; as in honour of Marcellus (MARCELLEA, -orum), in Sicily, and of Q. Mucius Scævola (MUCIA), in Asia, *Cic. Verr.* ii. 21. 10. 13.

If a governor did not behave well, he might afterwards be brought to his trial:—1. for extortion (REPETUNDARUM), if he had made unjust exactions, or had even received presents, *Plin. Ep.* iv. 9. ‡ — 2. for peculation (PECULATUS), if he had embezzled the public money; hence called PECULATOR, or DEPECULATOR, *Ascon. in Cic. Verr. Act.* i. 1. — and, 3. for what was called *crimen MAJESTATIS*, if he had betrayed his army or province to the enemy, or led the army out of the province, and made war on any prince or state without the order of the people or the decree of the senate. [*“ Tac. Ann.* i. 72.” — T.]

Various laws were made to secure the just administration of the provinces, but these were insufficient to check the rapacity of the Roman magistrates. Hence the provinces were miserably oppressed by their exactions. Not only the avarice of the governor was to be gratified, but that of all his officers and dependants, as his lieutenants,

\* “ See Ernesti, *Clav. Cic.* s. v.” — T.

† “ *Consilium* denotes an assembly of chiefs or leading men, for the purpose of deliberation; *concilium*, a promiscuous assembly, or one composed of the inferior orders.” — *Crombie’s Gymn.* i. p. 135. See above, p. 72.

‡ “ *Repetundæ* fuerunt, quas sive socii, sive cives privati, a magistratibus, aut publicis curatoribus judicio repetiverunt, quas illi aut in provinciâ, aut in urbe, aut ob jus dicendum, aut ob judicandum, aut ob aliud aliquid publice curandum, cepissent.” — *Pitisc. Lex. Ant. Rom.*

tribunes, præfects, &c. and even of his freedmen and favourite slaves, *Juvenal.* viii. 87—130.

The pretexts for exacting money were various. The towns and villages through which the governors passed were obliged, by the JULIAN law, to supply them and their retinue with forage, and wood for firing, *Cic. Att.* vi. 16. The wealthier cities paid large contributions for being exempted from furnishing winter-quarters to the army. Thus the inhabitants of Cyprus alone paid yearly, on this account, 200 talents, or about 40,000*l.* *Cic. Att.* v. 21.

Anciently a proconsul, when he had gained a victory, used to have golden crowns sent him not only from the different cities of his own province, but also from the neighbouring states, *Liv.* xxxviii. 14. 37., which were carried before him in his triumph, *Id.* xxxvii. 58. xxxix. 5. 7. 29. xl. 43. *Dio.* xlii. 49. Afterwards the cities of the province, instead of sending crowns, paid money on this account, which was called AURUM CORONARIUM, and was sometimes exacted as a tribute, *Cic. in Pis.* 37.

A proconsul, when the annual term of his government was elapsed, delivered up the province and army to his successor, if he arrived in time, and left the province within thirty days: but first he was obliged to deposit, in two of the principal cities of his jurisdiction, an account of the money which had passed through his own or his officers' hands, stated and balanced (*apud duas civitates, quæ maximæ viderentur, rationes confectas et consolidatas deponere*), *Cic. Fam.* v. 20. If his successor did not arrive, he nevertheless departed, leaving his lieutenant or more frequently his quæstor to command in the province, *Cic. Fam.* ii. 15. *Att.* vi. 5, 6.

When a proconsul returned to Rome, he entered the city as a private person, unless he claimed a triumph: in which case he did not enter the city, but gave an account of his exploits to the senate assembled in the temple of Bellona, or in some other temple without the city, *Liv.* iii. 63. xxxviii. 45. *Dio.* xlix. 15. In the mean time he usually waited near the city till the matter was determined, whence he was said *ad urbem esse*, *Sall. Cat.* 30., and retained the title of IMPERATOR, which his soldiers had given him upon his victory, with the badges of command, his *lictors* and *fascēs*, &c. Appian says that in his time no one was called *imperator*, unless 10,000 of the enemy had been slain, *de Bell. Civ.* ii. p. 455. When any one had pretensions to a triumph, his *fascēs* were always wreathed with laurel, *Cic. Fam.* ii. 16. *Att.* x. 10., as the letters were which he sent to the senate concerning his victory, *Cic. in Pis.* 17. Sometimes, when the matter was long of being determined, he retired to some distance from Rome, *Cic. Att.* vii. 15.

If he obtained a triumph, a bill was proposed to the people that he should have military command (*ut ei imperium esset*) on the day of his triumph, *Liv.* xlv. 35. *Cic. Att.* iv. 16., for without this no one could have military command within the city.

Then he was obliged by the JULIAN law, within thirty days, to give in to the treasury an exact copy of the accounts which he had left in the province (*easdem rationes totidem verbis referre ad ærarium*), *Cic. Att.* v. 20. At the same time he recommended those who de-



served public rewards for their services (*in beneficiis, ad ærarium detulit*), Cic. *ibid.* et pro Arch. 5.

What has been said concerning a proconsul, took place with respect to a proprætor; unless that a proconsul had twelve lictors, and a proprætor only six. The army and retinue of the one were likewise commonly greater than that of the other. The provinces to which proconsuls were sent, were called PROCONSULARES; proprætors, PRÆTORIAE, Dio. liii. 14.

## PROVINCIAL MAGISTRATES UNDER THE EMPERORS.

AUGUSTUS made a new partition of the provinces. Those which were peaceable, and less exposed to an enemy, he left to the management of the senate and people; but of such as were more strong, and open to hostile invasions, and where, of course, it was necessary to support greater armies, he undertook the government himself (*regendas ipse suscepit*), Suet. Aug. 47. This he did under pretext of easing the senate and people of the trouble; but in reality to increase his own power, by assuming the command of the army entirely to himself.

The provinces under the direction of the senate and people (PROVINCIAE SENATORIAE et POPULARES vel *Publicæ*), at first were *Africa propria*, or the territories of Carthage, *Numidia*, *Cyrène*, *Asia* (which, when put for a province, comprehended only the countries along the *Propontis* and the *Ægean Sea*, namely, *Phrygia*, *Mysia*, *Caria*, *Lydia*, Cic. pro Flacc. 27.), *Bithynia* and *Pontus*, *Græcia* and *Epirus*, *Dalmatia*, *Macedonia*, *Sicilia*, *Sardinia*, *Creta*, and *Hispania Bætica*, Dio. liii. 12.

The provinces of the Emperor (PROVINCIAE IMPERATORIAE, vel *Cæsarum*.) were *Hispania Tarraconensis* and *Lusitania*, *Gallia*, *Cælosyria*, *Phœnicia*, *Cilicia*, *Cyprus*, *Ægyptus*, to which others were afterwards added. But the condition of these provinces was often changed; so that they were transferred from the senate and people to the emperor, and the contrary, Dio. liii. 12. liv. 3, 4. *Strabo*, xvii. fin. The provinces of the emperor seem to have been in a better state than those of the senate and people, *Tacit. Annal.* i. 76.

The magistrates sent to govern the provinces of the senate and people were called PROCONSULES, although sometimes only of prætorian rank, Dio. liii. 13. The senate appointed them by lot (*sortitò mittebant*) out those who had borne a magistracy in the city at least five years before, Suet. Aug. 36. *Vesp.* 4. *Plin. Ep.* ii. 12. Dio. liii. 14. They had the same badges of authority as the proconsuls had formerly; but they had only a civil power (*potestas vel jurisdictio*), and no military command (*imperium*), nor disposal of the taxes. The taxes were collected, and the soldiers in their provinces commanded, by officers appointed by Augustus. Their authority lasted only for one year, and they left the province immediately when a successor was sent, Dio. *ibid.*

Those whom the emperor sent to command his provinces were called LEGATI CÆSARIS *pro Consule*, *Proprætores*, vel *pro prætore*, Dio. liii. 13., *Consulares Legati*, Suet. Tib. 41., *Consulares Rectores*, Suet. Vesp. 8, or, simply, *Consulares*, Suet. Tib. 32. *Tacit. Hist.* ii. 97.

and *Legati*, Suet. Vesp. 4., also *Præsides*, *Præfecti*, *Correctores*, &c.

The Governor of Egypt was usually called PRÆFECTUS, *Suet. Vesp.* 6., or *Præfectus Augustalis*, *Digest.*, and was the first imperial legate that was appointed.

There was said to be an ancient prediction concerning Egypt, that it would recover its liberty when the Roman *fascēs* and *prætecta* should come to it, *Cic. Fam.* i. 7. *Trebell. Poll. in Æmilian.* Augustus, artfully converting this to his own purpose, claimed that province to himself, and, discharging a senator from going to it without permission, *Dio.* li. 17., he sent thither a governor of equestrian rank, without the usual ensigns of authority, *Tacit. Ann.* ii. 59. *Suet. Tib.* 53. To him was joined a person to assist in administering justice, called JURIDICUS ALEXANDRINÆ CIVITATIS, *Pandect.* (ὁ δικάσιόδότης, *Strabo*, xvii. p. 797.)

The first præfect of Egypt was Cornelius Gallus, celebrated by Virgil in his last eclogue, and by Ovid, *Amor.* i. 15. 29. (*Hunc primum Ægyptus Romanum judicem habuit*, *Eutrop.* vii. 7.) *Suet. Aug.* 66. *Dio.* li. 17.

The legates of the emperor were chosen from among the senators, but the præfect of Egypt only from the *Equites*, *Tacit.* xii. 60. *Dio.* liii. 13. Tiberius gave that charge to one of his freedmen, *Dio.* lviii. 19. The *Legati Cæsaris* wore a military dress and a sword, and were attended by soldiers instead of lictors. They had much greater powers than the proconsuls, and continued in command during the pleasure of the emperor, *Dio.* liii. 13.

In each province, besides the governor, there was an officer called PROCURATOR CÆSARIS, *Tacit. Agric.* 15., or *curator*, and in later times *rationalis*, who managed the affairs of the revenue (*qui res fisci curabat: publicos redditus colligebat et erogabat*), and also had a judicial power in matters that concerned the revenue, *Suet. Claud.* 12., whence that office was called *procuratio amplissima*, *Suet. Galb.* 15. These Procurators were chosen from among the *Equites*, and sometimes from freedmen, *Dio.* lii. 25. They were sent not only into the provinces of the emperor, but also into those of the senate and people, *Dio.* liii. 15.

Sometimes a Procurator discharged the office of a governor (*vice præsidis fungebatur*), especially in a small province, or in a part of a large province, where the governor could not be present; as Pontius Pilate did, who was *procurator* or *præpositus* (*Suet. Vesp.* 4.) of Judæa, which was annexed to the province of Syria, *Tacit. Annal.* xii. 23. Hence he had the power of punishing capitally, *ibid.* xv. 44., which the *procuratores* did not usually possess, *ib.* iv. 15.

To all these magistrates and officers Augustus appointed different salaries, according to their respective dignity, *Dio.* liii. 15. Those who received 200 *sestertia* were called DUCENarii; 100, CENTENarii; sixty, SEXAGENarii, &c. *Capitolin. in Pertinac.* c. 2. A certain sum was given them for mules and tents, which used formerly to be afforded at the public expense, *Suet. Aug.* 36.

All these alterations and arrangements were made in appearance by public authority, but in fact by the will of Augustus.

## RE-ESTABLISHMENT OF MONARCHY UNDER AUGUSTUS; TITLES, BADGES, AND POWERS OF THE EMPERORS.

THE monarchical form of government established by Augustus, although different in name and external appearance, in several respects resembled that which had prevailed under the kings. Both were partly hereditary, and partly elective. The choice of the kings depended on the senate and people at large; that of the emperors, chiefly on the army. When the former abused their power, they were expelled; the latter were often put to death; but the interests of the army being separate from those of the state, occasioned the continuation of despotism. According to Pomponius *de origine juris*, D. i. 2. 14., REGES OMNEM POTESTATEM HABUISSE, their rights were the same. But the account of Dionysius and others is different. (See p. 98.)

As Augustus had become master of the republic by force of arms, he might have founded his right to govern it on that basis, as his grand uncle and father by adoption, Julius Cæsar, had done. But the apprehension he always entertained of Cæsar's fate made him pursue a quite different course. The dreadful destruction of the civil wars, and the savage cruelty of the *Triumviri*, had cut off all the keenest supporters of liberty, *Tacit. Ann. i. 2.*, and had so humbled the spirit of the Romans, that they were willing to submit to any form of government rather than hazard a repetition of former calamities (*tuta et præsentia quam vetera et periculosa malebant*, *ibid.*). The empire was now so widely extended, the number of those who had a right to vote in the legislative assemblies so great (the Romans having never employed the modern method of diminishing that number by representation), and the morals of the people so corrupt, that a republican form of government was no longer fitted to conduct so unwieldy a machine. The vast intermixture of inhabitants which composed the capital, and the numerous armies requisite to keep the provinces in subjection, could no longer be controlled but by the power of one. Had Augustus possessed the magnanimity and wisdom to lay himself and his successors under proper restraints against the abuse of power, his descendants might have long enjoyed that exalted station to which his wonderful good fortune and the abilities of others had raised him. Had he, agreeably to his repeated declarations, wished for command only to promote the happiness of his fellow-citizens, he would have aimed at no more power than was necessary for that purpose. But the lust of dominion, although artfully disguised, appears to have been the ruling passion of his mind (*specie recusantis flagrantissimè cupiverat*), *Tacit. Ann. i. 2, 3. 10.*

Upon his return to Rome, after the conquest of Egypt, and the death of Antony and Cleopatra, A. U. 725, he is said to have seriously deliberated with his two chief favourites, Agrippa and Mæcenas, about resigning his power, and restoring the ancient form of government. Agrippa advised him to do so, but Mæcenas dissuaded him from it. In the speeches which Dio Cassius makes them deliver on this occasion, the principal arguments for and against the popular and monarchical government are introduced, *lii.* The advice of Mæcenas prevailed, *ib. 41.* Augustus, however, in the following year, having

corrected the abuses which had crept in during the civil wars, *Suet. Aug. 32.*, and having done several other popular acts, assembled the senate, and in a set speech pretended to restore every thing to them and to the people. But several members, who had been previously prepared, exclaimed against this proposal; and the rest, either prompted by opinion or overawed by fear, all with one voice conjured him to retain the command. Upon which, as if unequal to the load, he appeared to yield a reluctant compliance, and that only for ten years; during which time he might regulate the state of public affairs (*rempublicam ordinaret*); thus seeming to rule, as if by constraint, at the earnest desire of his fellow-citizens, which gave his usurpation the sanction of law. \*

This farce he repeated at the end of every ten years, *Dio. liii. 46.*; but the second time, A. U. 736, he accepted the government only for five years, saying that this space of time was then sufficient, *Id. liv. 12.*, and when it was elapsed, for five years more, *Id. liii. 16.*; but after that, always for ten years, *Id. lv. 6.* He died in the first year of the fifth *decennium*, the 19th of August, (xiv. *Kal. Sept.*) A. U. 767, aged near 76 years; having ruled alone near 44 years. The succeeding emperors, although at their accession they received the empire for life, yet at the beginning of every ten years used to hold a festival, as if to commemorate the renewal of the empire, *Dio. liii. 10.*

As the senate by their misconduct (see p. 128.) had occasioned the loss of liberty, so by their servility to Augustus they established tyranny (*Ruere in servitutem consules, patres, eques*, as Tacitus says upon the accession of Tiberius, *Annal. i. 7.*). Upon his feigned offer to resign the empire, they seem to have racked their invention to contrive new honours for him. To the names of IMPERATOR, *Dio. xliii. 44.*, CÆSAR, *Id. xlvi. 47.*, and PRINCE (PRINCEPS *Senatûs*), *liii. 1.*, which they had formerly conferred, they added those of AUGUSTUS (*venerandus v. -abilis*, ab *augur*, quasi *inauguratus vel consecratus*; ideoque *Diis carus*; *cultu divino afficiendus*, *σεβαστὸς*, *Pausan. iii. 11.* vel ab *augeo*; quam suâ Jupiter *auget* ope, *Ovid. Fast. i. 612.* *Suet. Aug. 7.* *Dio. liii. 16.*), and *Father of his Country* (PATER PATRIÆ),

\* We may observe, that all the power which was conferred upon Augustus (after he had made a tender of his resignation) was conferred upon him through the medium of the old official terms. Thus he was invested with the *consulship*, which gave him the control over the legions and finances; and with the office of *tribune*, which had hitherto been considered as incompatible with that of consul, inasmuch as it had been erected in the early ages of the republic against consular authority and the encroachments of the patricians. To these accumulated honours he soon added the dignity of *supreme pontiff*, and thus became the head of their religion; he was also invested with the power, although he declined the title, of *censor*, and thus became the superintendent of their morals. The government of the provinces devolved upon him, which he administered through the medium of lieutenants (*legati*), over whom he had the exclusive control. As a return for this multiplicity of honours, he divided the provinces betwixt the senate and himself: a law, however, was passed, that, wherever the emperor was present, his extraordinary commission should supersede the ordinary jurisdiction of the governor; the new conquests were considered, by custom, as always belonging to the imperial portion, and thus the authority of the senate was more nominal than real. The legions were distributed throughout the various provinces of the empire, not so much for the sake of preserving the peace, as concealing from them their real strength; and he introduced a garrison into the city, under the pretence that disturbances had taken place at the elections.

*Suet. 53. Ovid. Fast. i. 127. Propert. iv. 5. ult. Trist. iv. 4. 13, &c.* This title had been first given to Cicero by the senate, after his suppression of Catiline's conspiracy: *PATER PATRIÆ CICERONEM LIBERA DEDIT. Juvenal. vi. 244. Propert. vi. 31.* by the advice of Cato, *Appian. B. Civ. ii. 411. Plut. in Cato* or of Catulus as Cicero himself says, *Phil. 3.* It was next decreed to Julius Cæsar, *Suet. 76. Dio. xlv. 4.* and some of his coins are still extant with that inscription. Cicero proposed that it should be given to Augustus when yet very young, *Phil. xii. 11.* It was refused by Tiberius, [*Tac. Ann. i. 72. Suet. 67.* as also the title of IMPERATOR, *Id. 26.* and DOMINUS, *57. Dio. lvi. 2* (see p. 34.) but most of the succeeding emperors accepted it, *Tacit. Ann. xi. 25.*

The title of PATER PATRIÆ denoted chiefly the paternal affection which it became the emperors to entertain towards their subjects; and also that power which, by the Roman law, a father had over his children, *Dio. liii. 15. Senec. Clem. i. 14.*

CÆSAR was properly a family title, *Dio. ibid. Suet. Galb. 1.* According to Dio, it also denoted power, *xliii. 44.* In later times, it signified the person destined to succeed to the empire, or assumed into a share of the government during the life of the emperor, who himself was always called AUGUSTUS, *Spartian. in Ælio Vero, 2.,* which was a title of splendour and dignity, not of power, *Dio. liii. 18.*

Augustus is said to have first desired the name of ROMULUS, that he might be considered as a second founder of the city; but perceiving that thus he should be suspected of aiming at sovereignty, he dropt all thoughts of it, *Dio. liii. 16.,* and accepted the title of AUGUSTUS, the proposer of which in the senate was Munatius Plancus, *Suet. Aug. 7. Vell. ii. 91.* Servius says, that Virgil, in allusion to this desire of Augustus, describes him under the name of QUIRINUS, *Æn. i. 296. G. iii. 27.*

The chief title which denoted command was IMPERATOR, *Dio. xliii. 44.* By this the successors of Augustus were peculiarly distinguished. It was equivalent to REX, *Dio. liii. 17.* In modern times it is reckoned superior.

The title of Imperator, however, continued to be conferred on victorious generals as formerly; but chiefly on the emperors themselves, as all generals were supposed to act under their auspices, *Horat. Od. iv. 14. 32. Ovid. Trist. ii. 173.* Under the republic the appellation of *Imperator* was put after the name; as CICERO IMPERATOR, *Cic. Ep. passim;* but the title of the emperors usually before, as a *prænomen*, *Suet. Tib. 26.* Thus, the following words are inscribed on an ancient stone, found at Ancyra, now Angourî (*in lapide Ancyrano*), in Asia Minor:—IMP. CÆSAR DIVI F. AUG. PONT. MAX. COS. XIV. IMP. XX. TRIBUNIC. POTEST. XXXVIII.—The *Emperor Cæsar*, the adopted son of (Julius Cæsar, called) *Divus* (after his deification); *Augustus* the high-priest (an office which he assumed after the death of Lepidus, A. U. 741, *Dio. liv. 27.*), *fourteen times Consul, twenty times* (saluted) *Imperator*, (on account of his victories. *Dio* says he obtained this honour in all 21 times, *lii. 41.* Thus Tacitus, *Nomen IMPERATORIS semel atque vicies partum*, *Ann. i. 9.*) in the 35th year of his tribunician power (from the time when he was first invested with it by the senate, A. U. 724, *Dio. li. 19.*). So that this inscription was made above five years before his death.

The night after Cæsar was called AUGUSTUS, the Tiber happened to overflow its banks, so as to render all the level parts of Rome navigable, *Dio. liii. 20. Tacit. Annal. i. 76.*, to which Horace is supposed to allude, *Od. i. 2.* This event was thought to prognosticate his future greatness. Among the various expressions of flattery then used to the emperor, that of Pacuvius, a tribune of the commons, was remarkable; who in the senate devoted himself to Cæsar, after the manner of the Spaniards, *Val. Max. ii. 6. 11.*, and Gauls (*Devotos illi soldurios appellant*, *Cæs. Bell. Gall. iii. 23.*), and exhorted the rest of the senators to do the same. Being checked by Augustus, he rushed forth to the people, and compelled many to follow his example. Whence it became a custom for the senators, when they congratulated any emperor on his accession to the empire, to say, that they were devoted to his service, *Dio. ibid.*

Macrobius informs us, that it was by means of this tribune (*Pacuvio tribuno plebem rogante*) that an order of the people (*plebiscitum*) was made appointing the month *Sextilis* to be called AUGUSTUS, *Sat. i. 12.*

The titles given to Justinian in the *Corpus Juris* are, in the Institutes, SACRATISSIMUS PRINCEPS, and IMPERATORIA MAJESTAS; in the Pandects, DOMINUS NOSTER SACRATISSIMUS PRINCEPS; and the same in the Codex, with this addition, PERPETUUS AUGUSTUS. These titles are still retained by the Emperor of Germany. \*

The powers conferred on Augustus as emperor were, to levy armies, to raise money, to undertake wars, to make peace, to command all the forces of the republic, to have the power of life and death within as well as without the city; and to do every thing else which the consuls and others invested with supreme command had a right to do, *Dio. liii. 17.* †

In the year of the city 731, the senate decreed that Augustus should be always proconsul, even within the city; and in the provinces should enjoy greater authority than the ordinary proconsuls, *Dio. liii. 32.* Accordingly he imposed taxes on the provinces, rewarded and punished them as they had favoured or opposed his cause, and prescribed such regulations to them as he himself thought proper, *Dio. liv. 7. 9. 25.*

In the year 735, it was decreed, that he should always enjoy consular power, with 12 lictors, and sit on a curule chair between the consuls. The senators at the same time requested that he would undertake the rectifying of all abuses, and enact what laws he thought proper; offering to swear that they would observe them, whatever they should be. This Augustus declined, well knowing, says Dio, that they would perform what they cordially decreed without an oath; but not on the contrary, although they bound themselves by a thousand oaths, *Dio. liv. 10.*

The multiplying of oaths always renders them less sacred, and

\* "But this dignity is now abolished, the state of Germany being changed." — *Dr. Adam.*

† The right of appeal to the people (*provocatio*) became extinct by the military power which the title of emperor conferred on Augustus. For it was an old maxim of the Roman law, that from the sentence of a general in actual service, there was no appeal. *Cic. de Legg. iii. 8. Militiæ, ab eo, qui imperavit, provocatio ne esto; quodque is, qui bellum geret, imperassit, jus ratumque esto.*



nothing is more pernicious to morals, than the too frequent exaction of oaths by public authority, without a necessary cause. Livy informs us, that the sanctity of an oath (*fides et jusjurandum*) had more influence with the ancient Romans than the fear of laws and punishments (*proximo legum et pœnarum metu*), i. 21. ii. 45. They did not, he says, as in after-times, when a neglect of religion prevailed, by interpretations adapt an oath and the laws to themselves, but conformed every one his own conduct to them, *Liv.* ii. 32. iii. 20. xxii. 61. *Cic. Off.* iii. 30, 31. See also *Polyb.* vi. 54. 56.

Although few of the emperors accepted the title of Censor (see p. 120.), yet all of them in part exercised the rights of that office, as also those of *Pontifex Maximus* and tribune of the commons, *Dio.* liii. 17. (See p. 128.)

The emperors were freed from the obligation of the laws (*legibus soluti*), so that they might do what they pleased, *Dio.* liii. 18. 28. Some, however, understand this only of certain laws: for Augustus afterwards requested of the senate, that he might be freed from the Voconian law, *Dio.* lvi. 32., but a person was said to be *legibus solutus*, who was freed only from one law, *Cic. Phil.* ii. 13.

On the first of January, every year, the senate and people renewed their oath of allegiance, *Tacit. Ann.* xvi. 22., or, as it was expressed, confirmed the acts of the emperors by an oath; which custom was first introduced by the *Triumviri*, after the death of Cæsar, *Dio.* xlvii. 18., repeated to Augustus, *Id.* li. 30. liii. 28., and always continued under the succeeding emperors. They not only swore that they approved of what the emperors had done, but that they would in like manner confirm whatever they should do, *Id.* lvii. 8. lviii. 17. In this oath the acts of the preceding emperors, who were approved of, were included: and the acts of such as were not approved of were omitted, as of Tiberius, *Id.* lix. 9., of Caligula, lx. 4., &c. Claudius would not allow anyone to swear to his acts [Tiberius also refused this servility, *Tac. Ann.* i. 72.] (*in acta suo jurare*); but not only ordered others to swear to the acts of Augustus, but swore to them also himself, *Id.* lx. 10.

It was usual to swear by the genius, the fortune, or safety of the emperor, which was first decreed in honour of Julius Cæsar, *Dio.* xlv. 6., and commonly observed, *Id.* 50., so likewise by that of Augustus, even after his death, *Id.* lvii. 9. To violate this oath was esteemed a heinous crime, *Ibid.* & *Tacit. Ann.* i. 73. *Codex*, iv. 1, 2. ii. 4. 41. *Dig.* xii. 2. 13., and more severely punished than real perjury, *Tertull. Apol.* 18. It was reckoned a species of treason (*majestatis*), and punished by the bastinado, D. xii. 2. 13., sometimes by cutting out the tongue, *Gothofred. in loc.* So that Minutius Felix justly says, c. 29. *Est iis (sc. Ethnicis) tutius per Jovis genium pejerare quàm regis.* Tiberius prohibited any one from swearing by him, *Dio.* lvii. 8. lviii. 12.; but yet men swore, not only by his fortune, but also by that of Sejanus, *Id.* lviii. 2. 6. After the death of the latter, it was decreed that no oath should be made by any other but the emperor, *Ibid.* 12. Caligula ordained that to all oaths these words should be added: — NEQUE ME, NEQUE MEOS LIBEROS CHARIORES HABEO, QUAM CAIUM ET SORORES EJUS, *Suet.* 15. *Dio.* lix. 3. 9., and that the women should swear by his wife Drusilla, *Ibid.* 11., as he

himself did, in his most public and solemn asseverations, *Suet.* 24. So Claudius, by Livia, *Dio.* 1. 5. *Suet. Claud.* 11.

In imitation of the temple and divine honours appointed by the *Triumviri* to Julius Cæsar, *Dio.* xlvii. 18., and confirmed by Augustus, *Id.* li. 20., altars were privately erected to Augustus himself, at Rome, *Virg. Ecl.* i. 7. *Horat. Ep.* ii. 1. 16. *Ovid. Fast.* i. 13., and particularly in the provinces; but he permitted no temple to be publicly consecrated to him, unless in conjunction with the city, Rome: AUGUSTO ET URBI ROMÆ; and that only in the provinces, *Tacit. Ann.* iv. 37.; for in the city they were strictly prohibited, *Suet.* 52. After his death, they were very frequent, *Tacit. Ann.* i. 11. 73. *Dio.* lvi. 46.

It was likewise decreed, in honour of Augustus, that, when the priests offered up vows for the safety of the people and senate, they should do the same for him, *Dio.* li. 19., so for the succeeding emperors, *Tacit. Ann.* iv. 17., particularly at the beginning of the year, *Id.* xvi. 22. on the 3d of January, *Dio.* lix. 24. — also, that, in all public and private entertainments, libations should be made to him with wishes for his safety, *Dio.* li. 19. *Ovid. Fast.* ii. 637. *Pont.* ii. 3. *ult.* as to the *Lares* and other gods, *Horat. Od.* iv. 5. 33.

On public occasions, the emperors wore a crown and a triumphal robe, *Dio.* li. 20. *Tacit. Annal.* xiii. 8. They also used a particular badge, of having fire carried before them, *Herodian.* i. 8. 8. i. 16. 9. ii. 5. Marcus Antoninus calls it a lamp, i. 17., probably borrowed from the Persians, *Xenophon. Cyrop.* viii. 3. p. 215. *Ammian.* xxiii. 6. Something similar seems to have been used by the magistrates of the municipal towns; *prunæ batillus* v. —um, a pan of burning coals, or a portable hearth (*focus portabilis*), in which incense was burnt; a perfumed stove, *Horat. Sat.* i. 5. 36.

Dioclesian introduced the custom of kneeling to the emperors (*adorari se jussit, cùm ante eum cuncti salutarentur*), *Eutrop.* ix. 16. Aurelius Victor, *de Cæs.* c. 39., says, that the same thing was done to Caligula and Domitian. So *Dio.* lix. 4. 27, 28.

Augustus, at first, used the powers conferred on him with great moderation; as, indeed, all the first emperors did in the beginning of their government, *Dio.* lvii. 8. lix. 4. In his lodging and equipage he differed little from an ordinary citizen of distinguished rank, except being attended by his prætorian guards. But after he had gained the soldiers by donatives, the people by a distribution of grain, and the whole body of citizens by the sweetness of repose, he gradually increased his authority (*insurgere paulatim*), and engrossed all the powers of the state (*munia senatûs, magistratuum, legum in se transferre*), *Tacit. Ann.* i. 2. Such of the nobility as were most compliant (*quanto quis servitio promptior*) were raised to wealth and preferments. Having the command of the army and treasury, he could do every thing. For although he pretended to separate his own revenues from those of the state, yet both were disposed of equally at his pleasure, *Dio.* liii. 16.

The long reign and artful conduct of Augustus so habituated the Romans to subjection, that they never afterwards so much as made one general effort to regain their liberty, nor even to mitigate the rigour of tyranny. In consequence of which, their character became

more and more degenerate. After being deprived of the right of voting, they lost all concern about public affairs; and were only anxious, says Juvenal, about two things, *bread and games* (PANEM et CIRCENSES, i. e. largesses and spectacles), *Juvenal. x. 80.* — Hence, from this period their history is less interesting, and, as Dio observes, less authentic; because, when every thing was done by the will of the prince, or of his favourites and freedmen, the springs of action were less known than under the republic, *Dio. liii. 19.* It is surprising that, though the Romans at different times were governed by princes of the most excellent dispositions, and of the soundest judgment, who had seen the woful effects of wicked men being invested with unlimited power, yet none of them seem ever to have thought of new-modelling the government, and of providing an effectual check against the future commission of similar enormities. Whether they thought it impracticable, or wished to transmit to their successors, unimpaired, the same powers which they had received; or from what other cause, we know not. It is at least certain that no history of any people shows more clearly the pernicious effects of an arbitrary and elective monarchy, on the character and happiness of both prince and people, than that of the ancient Romans. Their change of government was, indeed, the natural consequence of that success with which their lust of conquest was attended. For the force employed to enslave other nations, being turned against themselves, served at first to accomplish and afterwards to perpetuate their own servitude. And it is remarkable, that the nobility of Rome, whose rapacity and corruption had so much contributed to the loss of liberty, were the principal sufferers by this change; for on them those savage monsters who succeeded Augustus chiefly exercised their cruelty. The bulk of the people, and particularly the provinces, were not more oppressed than they had been under the republic. Thus Tacitus observes, *Neque provinciæ illum rerum statum abnuebant, suspecto senatûs populique imperio ob certamina potentium, et avaritiam magistratuum; invalido legum auxilio, quæ vi, ambitu, postremo pecuniâ turbabantur*, *Annal. i. 2.*

#### PUBLIC SERVANTS OF THE MAGISTRATES.

THE public servants (*ministri*) of the magistrates were called by the common name of APPARITORES, *Liv. i. 8.* because they were at hand to execute their commands (*quòd iis apparebant, i. e. præstò erant ad obsequium*, *Serv. ad Virg. Æn. xii. 850.*) and their service or attendance APPARITIO, *Cic. Fam. xiii. 54.* These were,

I. SCRIBÆ, Notaries or clerks who wrote out the public accounts, the laws, and all the proceedings (*acta*) of the magistrates. Those who exercised that office were said *scriptum facere*, *Liv. ix. 46.* *Gell. vi. 9.* from *scriptus*, -ûs. They were denominated from the magistrates whom they attended; thus, *Scribæ quæstorii*\*, *ædilitii*, *prætorii*, &c., and were divided into different *decuriæ*; whence *decuriam emere*, for *munus scribæ emere*, *Cic. Ver. iii. 79.* It was determined by lot what magistrate each of them should attend, *Cic. Cat. iv. 7.* This office was more honourable among the Greeks than the Romans,

\* "*Scriptum quæstorium comparavit*, are the words of Suetonius, in his *Life of Tiberius*." — T.

*Nep. Eum.* 1. The *scribæ* at Rome, however, were generally composed of freeborn citizens; and they became so respectable, that their order is called by Cicero *honestus* (*quòd eorum fidei tabulæ publicæ, periculaque magistratuum committuntur*), *Cic. Verr.* iii. 79.

There were also *actuarii* or *notarii*, who took down in short-hand what was said or done (*notis excipiebant*), *Suet. Jul.* 55. These were different from the *scribæ*, and were commonly slaves or freedmen, *Dio.* lv. 7. The *scribæ* were also called *librarii*, *Festus*. But *librarii* is usually put for those who transcribe books, *Cic. Att.* xii. 6. *Suet. Domit.* 10., for which purpose, the wealthy Romans, who had a taste for literature, sometimes kept several slaves, *Nep. Att.* 13.

The method of writing short-hand is said to have been invented by Mæcenas, *Dio.* lv. 7.; according to Isidore, by Tiro, the favourite slave and freedman of Cicero, *Isid.* i. 22. *Senec. Ep.* 90.

II. PRÆCONES, heralds or public criers, who were employed for various purposes:—

1. In all public assemblies they ordered silence (*silentium indicabant vel imperabant*: EXSURGE, PRÆCO, FAC POPULO AUDIENTIAM, *Plaut. Pæn. prol.* 11.), by saying, SILETE vel TACETE; and in sacred rites by a solemn form, FAVETE LINGUIS, *Horat. Od.* iii. 1. ORE FAVETE OMNES, *Virg. Æn.* v. 71. Hence, SACRUM *silentium*, for *altissimum* or *maximum*, *Horat. Od.* ii. 13. 29. *Ore favent*, they are silent, *Ovid. Amor.* iii. 13. 29.

2. In the *comitia* they called the tribes and centuries to give their votes; they pronounced the vote of each century; they called out the names of those who were elected, *Cic. Verr.* v. 15. (See p. 87.) When laws were to be passed, they recited them to the people (p. 85.) In trials, they summoned the *judices*, the persons accused, their accusers, and sometimes the witnesses.

Sometimes heralds were employed to summon the people to an assembly, *Liv.* i. 59. iv. 32., and the senate to the senate-house, iii. 38. (see p. 8.); also the soldiers, when encamped, to hear their general make a speech, *Liv.* i. 28.

3. In sales by auction, they advertised them (*auktionem conclamabant vel prædicabant*), *Plaut. Men. fin.* *Cic. Verr.* iii. 16. *Off.* iii. 13. *Horat. de Art. Poet.* 419.; they stood by the spear, and called out what was offered. (See p. 53.)

4. In the public games, they invited the people to attend them; they ordered slaves and other improper persons to be removed from them, *Cic. de Resp. Har.* 12. *Liv.* ii. 37.; they proclaimed (*prædicabant*) the victors, and crowned them, *Cic. Fam.* v. 12.; they invited the people to see the secular games which were celebrated only once every 110 years, by a solemn form, CONVENITE AD LUDOS SPECTANDOS, QUOS NEC SPECTAVIT QUISQUAM, NEC SPECTATURUS EST, *Suet. Claud.* 21. *Herodian*, iii. 8.

5. In solemn funerals, at which games sometimes used to be exhibited, *Cic. de Legg.* ii. 24., they invited people to attend by a certain form; EXSEQUIAS CHREMETI, QUIBUS EST COMMODUM, IRE JAM TEMPUS EST, OLLUS EFFERTUR, *Ter. Phorm.* v. 8. 38. Hence these funerals were called FUNERA INDICTIVA, *Festus in QUIRITES*, *Suet. Jul.* 84. The *præcones* also used to give public notice when such a person died; thus, OLLUS QUIRIS LETO DATUS EST, *Festus, ibid.*

6. In the infliction of capital punishment, they sometimes signified the orders of the magistrate to the lictor, *Liv.* xxvi. 15. LICTOR, VIRO *forti* ADDE VIRGAS ET IN EUM LEGE *primum* AGE, *ibid.* 16.

7. When things were lost or stolen, they searched for them, *Plaut. Merc.* iii. 4. v. 78. *Petron. Arbit.* c. 57., where an allusion is supposed to be made to the custom abolished by the Æbutian law.

The office of a public crier, although not honourable, was profitable, *Juvenal*, vii. 6. &c. They were generally freeborn, and divided into *decuriæ*.

Similar to the *præcones* were those who collected the money bidden for goods at an auction from the purchaser, called COACTORES, *Hor. Sat.* i. 6. 86. *Cic. pro Cluent.* 64. They were servants (*ministri*) of the money-brokers, who attended at the auctions. Hence, *coactiones argentarias facitare*, to exercise the trade of such a collector, *Suet. Vesp.* 1. They seem also to have been employed by bankers to procure payment from debtors of every kind. But the collectors of the public revenues were likewise called COACTORES, *Cic. pro Rab. Post.* 11.

III. LICTORES. The lictors were instituted by Romulus, who borrowed them from the Etruscans. They are commonly supposed to have their name, *Liv.* i. 8. (*a ligando*), from their *binding* the hands and legs of criminals before they were scourged, *Gell.* xii. 3. They carried on their shoulder rods (*virgas ulmeas*, *Plaut. Asin.* ii. 2. v. 74. iii. 2. v. 29. *Viminei fasces virgarum*, *Id. Epid.* i. 1. 26. vel *ex betula*, *Plin.* xvi. 18. s. 30.) bound with a thong in the form of a bundle (*bacillos loro colligatos in modum fascis*), and an axe jutting out in the middle of them.\* They went before all the greater magistrates, except the censors, one by one in a line, *Liv.* xxiv. 44. He who went foremost was called PRIMUS LICTOR, *Cic. ad Fratr.* i. 1. 7.; he who went last, or next to the magistrate, was called PROXIMUS LICTOR, *Liv. ibid.* *Sallust. Jug.* 12., or *Postremus*, *Cic. Divin.* i. 28., i. e. the chief lictor, *summus lictor*, who used to receive and execute the commands of the magistrate.

The office of the lictors was,

1. To remove the crowd (*ut turbam summovent*), *Liv.* iii. 11. 48. viii. 33. *Hor. Od.* ii. 16. 10. by saying, CEDITE, CONSUL VENIT: DATE VIAM vel LOCUM CONSULI; SI VOBIS VIDETUR, DISCEDITE, QUIRITES, *Liv.* ii. 56., or some such words, (*solennis ille lictorum et prænuncius clamor*, *Plin. Pan.* 61.) whence the *lictor* is called *summotor aditus*, *Liv.* xlv. 29. This sometimes occasioned a good deal of noise and bustle, *Liv. passim*. When the magistrate returned home, a lictor knocked at the door with his rod (*forem, uti mos est, virgâ percussit*), *Liv.* vi. 34., which he also did when the magistrate went to any other house, *Plin.* vii. 30. s. 31.

2. To see that proper respect was paid to the magistrates (*ANIMADVERTERE ut debitus honos iis redderetur*), *Suet. Jul.* 80. What this respect was, Seneca informs us, *Epist.* [30.] 64., namely, dis-

\* "After the banishment of the kings, the axe was removed by Val. Poplicola, lest the sentiment of liberty should be weakened by the terror of capital punishment. But when a dictator was chosen, the axe was placed in the middle of the *fasces*, as it was during the regal government." — *Crombie's G.* ii. p. 163.

mounting from horseback, uncovering the head, going out of the way, and also rising up to them, &c. *Suet. Jul.* 78. [*Liv.* xxiv. 44.]

3. To inflict punishment on those who were condemned, which they were ordered to do in various forms: I, LICTOR COLLIGA MANUS; I, CAPUT OBNUBE HUIUS; ARBORI INFELICI SUSPENDE; VERBERATO VEL INTRA POMÆRIUM *vel extra* POMÆRIUM, *Liv.* i. 26. I, LICTOR, DELIGA AD PALUM, *Id.* viii. 7. ACCEDE, LICTOR, VIRGAS ET SECURES EXPEDI, *Id.* viii. 32. IN EUM LEGE AGE, i. e. *securi percutere, vel feri*, xxvi. 16.

The lictors were usually taken from the lowest of the common people, *Liv.* ii. 55., and often were the freedmen of him on whom they attended. They were different from the public slaves, who waited on the magistrates, *Cic. in Ver.* i. 26.

IV. ACCENSI. These seem to have had their names from summoning (ab *acciendo*) the people to an assembly, and those who had lawsuits to court (*in jus*). One of them attended on the consuls who had not the fasces, *Suet. Jul.* 20. *Liv.* iii. 33. Before the invention of clocks, one of them called out to the prætor in court when it was the third hour, or nine o'clock, before noon; when it was mid-day, and the ninth hour, or three o'clock afternoon, *Varro de Lat. Ling.* v. 9. *Plin.* vii. 60. They were commonly the freedmen of the magistrate on whom they attended; at least in ancient times, *Cic. ad Fratr.* i. 1. 4. The *Accensi* were also an order of soldiers, called *Supernumerarii*, because not included in the legion, *Veget.* ii. 19. *Ascon. in Cic. Verr.* i. 28. *Liv.* viii. 8. 10. [So called, *quia accensebantur, vel ad censum adjiciebantur.*]

V. VIATORES [couriers, runners]. These were properly the officers who attended on the tribunes, *Liv.* ii. 56., and ædiles, xxx. 39. Anciently they used to summon the senators from the country where they usually resided; whence they had their name (*quod sæpe in viâ essent*), *Cic. de Sen.* 16. *Columell. Præf.* 1. [See p. 8.]

[“The STATOR was an officer or serjeant, who stood beside the magistrate, ready to execute his orders, chiefly, if not entirely, as a messenger. ‘*Literas tuas a te mihi stator tuus reddidit,*’ *Cic. Fam. Ep.* xi. 17. ‘*Præsto mihi fuit stator ejus cum literis,*’ *Id.* x. 21. In the reign of the emperors, the *Statores* guarded the back part of the *Prætorium*, or *general’s tent*; and they were called *Statores prætorii*. In each camp there were two centuries of *Statores*, under the command of the *Evocati*,” *Crombie’s G.* ii. 197.]

VI. CARNIFEX. The public executioner or hangman, who executed (*supplicio afficiebat*) slaves, and persons of the lowest rank; for slaves and freedmen were punished in a manner different from free-born citizens, *Tacit. Annal.* iii. 50. The *carnifex* was of servile condition, and held in such contempt that he was not permitted to reside within the city, *Cic. pro Rabir.* 5., but lived without the *Porta Metia*, or *Esquilina*, *Plaut. Pseud.* i. 3. v. 98., near the place destined for the punishment of slaves (*juxta locum servilibus pœnis repositum*, *Tac. Annal.* xv. 60.) called *Sextertium*, *Plutarch in Galb.*, where were erected crosses and gibbets (*cruces et patibula*, *Tac. Annal.* xiv. 33.), and where also the bodies of slaves were burnt, *Plant. Cus.* ii. 6. v. 2., or thrown out unburied, *Hor. Epod.* v. 99.

Some think that the *carnifex* was anciently keeper of the prison



under the *Triumviri capitales*, who had only the superintendence or care of it: hence *tradere vel trahere ad carnificem*, to imprison, *Plaut. Rud.* iii. 6. v. 19.

### LAWS OF THE ROMANS.

THE laws of any country are rules established by public authority, and enforced by sanctions, to direct the conduct and secure the rights of its inhabitants. (*LEX justī injustique regula*, Senec. de Benef. iv. 12. *LEGES quid aliud sunt quàm minis mixta præcepta?* Id. Epist. 94.)

The laws of Rome were ordained by the people, upon the application of a magistrate (*rogante magistratu*). See p. 82. 85.

The great foundation of Roman law or jurisprudence (*Romani juris*) was that collection of laws called the law, *Liv.* xxxiv. 6., or laws of the Twelve Tables, compiled by the *decemviri*, and ratified by the people (see p. 140.); a work, in the opinion of Cicero, superior to all the libraries of philosophers (*omnibus omnium philosophorum bibliothecis anteponendum*), de Orat. i. 44. Nothing now remains of these laws, but scattered fragments.

The unsettled state of the Roman government, the extension of the empire, the increase of riches, and consequently of the number of crimes, with various other circumstances, gave occasion to a great many new laws (*corruptissimâ republicâ plurimæ leges*, Tacit. Annal. iii. 27.).

At first those ordinances only obtained the name of laws, which were made by the *Comitia Centuriata* (POPULISCITA), Tacit. Annal. iii. 58., but afterwards those also which were made by the *Comitia Tributa* (PLEBISCITA), when they were made binding on the whole Roman people; first by the Horatian law (*ut quod tributim plebes jussisset, populum teneret*), Liv. iii. 55., and afterwards more precisely by the Publilian and Hortensian laws (*ut plebiscita OMNES QUIRITES tenerent*), Liv. viii. 12. Epit. xi. Plin. xvi. 10. s. 15. Gell. xv. 27.

The different laws are distinguished by the name (*nomen gentis*) of the persons who proposed them, and by the subject to which they refer.

Any order of the people was called LEX, whether it respected the public (*jus publicum vel sacrum*), the right of private persons (*jus privatum vel civile*), or the particular interest of an individual. But this last was properly called PRIVILEGIUM, Gell. x. 20. Ascon. in Cic. pro Mil.

The laws proposed by a consul were called CONSULARES, Cic. Sext. 64., by a tribune, TRIBUNITIÆ, Cic. in Rull. ii. 8., by the decemviri, DECEMVIRALES, Liv. iii. 55, 56, 57.

### DIFFERENT SIGNIFICATIONS OF JUS AND LEX, AND THE DIFFERENT SPECIES OF THE ROMAN LAW.

THE words *Jus* and *Lex* are used in various senses. They are both expressed by the English word LAW.

*Jus* properly implies what is *just* and right in itself, or what from any cause is binding upon us, Cic. de Offic. iii. 21. *Lex* is a written

statute or ordinance: (*Lex, quæ scripto sancit, quod vult, aut jubendo, aut vetando*. Cic. de Legg. i. 6. a *LEGENDO, quod legi solet, ut innotescat*, Varro de Lat. Ling. v. 7. *legere leges propositas jussere*, Liv. iii. 34. *vel a delectu*, Cic. de Legg. i. 6. a *justo et jure legendo*, i. e. *eligendo*, from the choice of what is just and right, *Id.* ii. 5. *Lex, justorum injustorumque distinctio*, *ibid.* — *Græco nomine appellata Νόμος, a suum cuique tribuendo*, *Id.* i. 6.)

*Jus* is properly what the law ordains, or the obligation which it imposes; (*est enim JUS quod LEX constituit*, That is *law*, or, That is binding, which the law ordains, Cic. de Legg. i. 15. *ad Herenn.* ii. 13.) Or, according to the Twelve Tables, QUODCUNQUE POPULUS JUSSIT, ID JUS ESTO, Liv. vii. 17. ix. 33. QUOD MAJOR PARS JUDICARIT, ID JUS RATUMQUE ESTO, Cic.

But *jus* and *lex* have a different meaning, according to the words with which they are joined: thus,

*Jus NATURÆ vel NATURALE*, is what nature or right reason teaches to be right; and *jus GENTIUM*, what all nations esteem to be right: both commonly reckoned the same, Cic. Sext. 42. *Harusp. resp.* 14.

*Jus civium vel CIVILE*, is what the inhabitants of a particular country esteem to be right, either by nature, custom, or statute, Cic. Topic. 5. Off. iii. 16, 17. de Orat. i. 48. Hence *constituere jus, quo omnes utantur*, pro Dom. cui subjecti sint, pro Cæcin. So *jus Romanum, Anglicum, &c.* When no word is added to restrict it, *Jus CIVILE* is put for the civil law of the Romans. Cicero sometimes opposes *jus civile* to *jus naturale*, Sext. 42., and sometimes to what we call *Criminal law* (*jus publicum*), Verr. i. 42. Cæcin. 2. in Cæcil. 5.

*Jus COMMUNE*, what is held to be right among men in general, or among the inhabitants of any country, Cic. Cæcin. 4. Digest. et Institut.

*Jus PUBLICUM et PRIVATUM*, what is right with respect to the people (*quasi jus populicum*), or the public at large, and with respect to individuals; political and civil law, Liv. iii. 34. Cic. Fam. iv. 14. Plin. Epist. i. 22. But *jus publicum* is also put for the right which the citizens in common enjoyed (*jus commune*), Terent. Phorm. ii. 2. 65.

*Jus SENATORIUM* (*pars juris publici*), what related to the rights and customs of the senate; what was the power of those who might make a motion in the senate (*quæ potestas referentibus*, see p. 12.) what the privilege of those who delivered their opinion (*quid censentibus jus*); what the power of the magistrates, and the rights of the rest of the members, &c. Plin. Ep. viii. 14.

*Jus DIVINUM et HUMANUM*, what is right with respect to things divine and human, Liv. i. 18. xxxix. 16. Tacit. Annal. iii. 26. 70. vi. 26. Hence, *fas et jura sinunt*, laws divine and human, Virg. G. i. 269. *Contra jus fasque*, Sall. Cat. 15. *Jus fasque exuere*, Tacit. Hist. iii. 5. *Omne jus et fas delere*, Cic.\* *Quo jure, quave injuria*, right

\* “*Fas* regards duty in respect to God, *jus* in respect to man. Gesner defines *fas* thus: ‘Quod pium est, et religiosum, et *fari* dignum, et ad Deos refertur, sicut *justum* ad homines.’ The glowing imagination of Tacitus has probably led him to be guilty of an impurity in the use of *fas*. He talks of the *fas gentium, armorum, patriæ*, supposing that the rights peculiar to each were constantly recognised by the

or wrong, *Terent. And.* i. 3. 9. *Per fas et nefas*, *Liv.* vi. 14. *Jus et injuriæ*, *Sall. Jug.* 16. *Jure fieri, jure cæsus*, *Suet.* Jul. 76.

*Jus PRÆTORIUM*, what the edicts of the prætor ordained to be right, *Cic. de Offic.* i. 10. *Verr.* i. 44.

*Jus HONORARIUM*. See p. 112.

*Jus FLAVIANUM*, *ÆLIANUM*, &c. the books of law composed by Flavius, (*Liv.* ix. 46.) *Ælius*, &c. *URBANUM*, i. e. *CIVILE privatum*, *ex quo jus dicit prætor urbanus*, *Cic. Verr. Act.* i. 1.

*Jus PRÆDIATORIUM*. The law observed with respect to the goods (*prædia vel prædia bona*, *Ascon.* in *Cic.*) of those who were sureties (*prædes*) for the farmers of the public revenues, or undertakers of the public works (*mancipes*), which were pledged to the public (*publico obligata vel pignori opposita*), and sold, if the farmer or undertaker did not perform his bargain, *Cic. pro Balb.* 20. *Verr.* i. 54. *Fam.* v. 20. *Suet. Claud.* 9. Hence *PRÆDIATOR*, a person who laid out his money in purchasing these goods, *Cic. Att.* xii. 14. 17., and who, of course, was well acquainted with what was right or wrong in such matters (*juris prædiatorii peritus*), *Id. Balb.* 20.

*Jus FECIALE*, the law of arms or heraldry, *Cic. Offic.* i. 11., or the form of proclaiming war, *Liv.* i. 32.

*Jus LEGITIMUM*, the common or ordinary law, the same with *jus civile*, *Cic. pro Dom.* 13, 14., but *jus legitimum exigere*, to demand one's legal right, or what is legally due, *Fam.* viii. 6.

*Jus CONSUETUDINIS*, what long use hath established, opposed to *LEGE jus* or *jus scriptum*, statute or written law, *Cic. de Invent.* ii. 22. 54. *Jus civile* constat aut *ex scripto* aut *sine scripto*, l. 6. *D. de Justit. et Jur.*

*Jus PONTIFICIUM vel SACRUM*, what is right with regard to religion and sacred things, much the same with what was afterwards called *Ecclesiastical Law*, *Cic. pro Dom.* 12, 13, 14., *de Legibus*, ii. 18, &c. *Liv.* i. 20. So *Jus religionis, augurum, caeremoniarum, auspiciorum*, &c.

*Jus BELLICUM vel BELLI*, what may be justly done to a state at war with us, and to the conquered, *Cæs. de Bell. G.* i. 27. *Cic. Off.* i. 11. iii. 29. *Liv.* i. 1. v. 27. Hence, *Leges silent inter arma*, *Cic. in Mil.* 4. *Ferre jus in armis*, *Liv.* v. 3. *Facere jus ense*, *Lucan.* iii. 621. viii. 642. ix. 1073. *Jusque datum sceleri*, a successful usurpation, by which impunity and a sanction were given to crimes, *Id.* i. 2.

*JURIS disciplina*, the knowledge of law, *Cic. Legg.* i. 5. *intelligentia*, *Phil.* ix. 5. *interpretatio*, *Off.* i. 11. *STUDIOSI juris*, i. e. *jurisprudentiæ*,

gods, who would hereafter punish every violation of them. *Jus* differs from *fas*, in referring to right, as existing between man and man, and as the foundation of civil society. It relates either to systems of written laws, by which particular communities are governed, or to certain innate apprehensions of justice, which all men entertain, and feel to be binding on the species. *Cic. pro Sert.* 22. *Vim volumus extinguere? jus valeat necesse est, id est judicia, quibus omne jus continetur.* Here *jus* denotes the code of statutes or enactments, by which civil society is maintained in particular countries. *Cic. de Inv.* 82. *Naturæ jus est, quod non opinio genuit, sed quædam innata vis inseruit.* Here *jus* regards all those natural impressions of justice of which mankind are conscious, but which have been reduced to no system." — *Hill's Synonyms.*

Students in law, *Suet. Ner.* 32. *Gell.* xii. 13. *Consulti, periti, &c.* Lawyers, *Cic.*

JURE et *legibus*, by common and statute law, *Cic. Verr.* i. 42. 44. So Horace, *Vir bonus est quis? Qui consulta patrum, qui leges, juraque servat, &c.* *Epist.* i. xvi. 40. *Jura dabat legesque viris, Virg. Æn.* i. 509.

But JURA is often put for laws in general; thus, *Nova jura condere, Liv.* iii. 33. *Jura inventa metu injusti fœdare necesse est, Horat. Sat.* I. iii. 111. *Art. P.* 122. 398., *civica jura respondere, Ep.* 1. 3. 23.

JUS and ÆQUITAS are distinguished, *Cic. Off.* iii. 16. *Virg. Æn.* ii. 426., *jus* and *justitia*; *jus civile* and *leges*, *Phil.* ix. 5. So *Æquum et bonum*, is opposed to *callidum versutumque jus*, an artful interpretation of a written law, *Cæcin.* 23. *Summum jus*, the rigour of the law, *summa injuria, Off.* i. 10. *Summo jure agere, contendere, experiri, &c.* to try the utmost stretch of law.

JUS vel JURA *Quiritium, civium, &c.* See p. 43, &c.

JURA *sanguinis, cognationis, &c. necessitudo, v. jus necessitudinis*, relationship, *Suet. Calig.* 16.

JUS *regni*, a right to the crown, *Liv.* i. 49. *Honorem*, to preferments, *Tacit.* xiv. 5. *Quibus per fraudem jus fuit*, power or authority, *Sallust. Jug.* 3. *Jus luxuriæ publicæ datum est*, a licence, *Senec. Epist.* 18. *Quibus fallere ac furari jus erat, Suet. Ner.* 16. *In jus et ditionem vel potestatem alicujus venire, concedere, Liv. and Sall.* *Habere jus in aliquem; sui juris esse ac mancipii, i. e. sui arbitrii et nemini parere*, to be one's own master, *Cic.* *In controverso jure est*, it is a point of law not fixed or determined, *Liv.* iii. 55.

JUS *dicere vel reddere*, to administer justice. *Dare jus gratiæ*, to sacrifice justice to interest, *Liv.*

JUS is also put for the place where justice is administered; thus, *In JUS EAMUS, i. e. ad prætoris sellam, Donat. in Ter. Phorm.* v. 7. 43. 88. *In jure, i. e. apud prætorem*, in court, *Plaut. Rud.* iii. 6. 68. *Men.* iv. 2. 19. *De jure currere*, from court, *Cic. Quint.* 25.

LEX is often taken in the same general sense with JUS: thus, *Lex est recta ratio imperandi atque prohibendi, a maxime decorum tracta; justorum injustorumque distinctio; æternam quiddam, quod universum mundum regit;—Consensio omnium gentium lex nature putanda est; non scripta sed nata lex: Salus populi suprema lex esto; fundamentum libertatis, fons æquitatis, &c.* *Cic. de Legg.—pro Cluent.* 53.

LEGES is put, not only for the ordinances of the Roman people, but for any established regulations; thus, of the free towns, *LEGES MUNICIPALES, Cic. Fam.* vi. 18., of the allied towns, *Verr.* ii. 49, 50., of the provinces, *ibid.* 13.

When LEX is put absolutely, the law of the Twelve Tables is meant; as, *LEGE hæreditas ad gentem Minuciam veniebat, Cic. Verr.* i. 45. *Ea ad nos redibat LEGE hæreditas, Ter. Hecyr.* i. 2. 97.

LEGES *CENSORIÆ*, forms of leases or regulations made by the censors, *Cic. Verr.* i. 55. iii. 7. *Prov. Cons.* 5. *Rabir. Perd.* 3. *Ad Q.*

*Fr.* i. 12. *LEX mancipii vel mancipium*, the form and condition of conveying property, *de Orat.* i. 39. *Cic. Off.* iii. 16.

*LEGES venditionis vel venalium vendendorum, agrum vel domum possidendi, &c.* Rules or conditions, *Cic. de Orat.* i. 58. *Horat. Epist.* ii. 2. 18. Hence, *Emere, vendere hac vel illâ lege*, i. e. *sub hac conditione vel pacto*, *Suet. Aug.* 21. *Ed lege* (i. e. *ex pacto et conventu*) *exierat*, *Cic. Att.* vi. 3. *Hac lege atque omine*, *Ter. And.* i. 2. 29. *Heaut.* v. 5. 10. *Lex vitæ qua nati sumus*, *Cic. Tusc.* 16.; *med lege utar*, I will observe my rule, *Ter. Phorm.* iii. 2. ult.

*LEGES historię, poëmatum, versuum, &c.* Rules observed in writing, *Cic. de Legg.* i. 1. *de Orat.* iii. 49. Thus we say, the *laws* of history, of poetry, versifying, &c., and, in a similar sense, the *laws* of motion, magnetism, mechanics, &c.

In the *Corpus Juris*, *LEX* is put for the Christian religion; thus, *LEX Christiana, Catholica, venerabilis, sanctissima, &c.* But we in a similar sense use the word *law* for the Jewish religion; as the *Law* and the *Gospel*: or for the Books of Moses; as, the *Law* and the *Prophets*.

*JUS ROMANUM*, or *Roman law*, was either *written* or *unwritten law* (*JUS SCRIPTUM* aut *NON SCRIPTUM*). The several species which constituted the *jus scriptum*, were, laws properly so called, the decrees of the senate, the edicts or decisions of magistrates, and the opinions or writings of lawyers. Unwritten law (*jus non scriptum*) comprehended natural equity and custom. Anciently *jus scriptum* only comprehended laws properly so called, *Digest. de Orig. Jur.* All these are frequently enumerated or alluded to by Cicero, who calls them *FONTES ÆQUITATIS*. *Topic.* 5, &c. *ad Herenn.* ii. 13.

## LAWS OF THE DECEMVIRI, OR, THE XII TABLES.

VARIOUS authors have endeavoured to collect and arrange the fragments of the Twelve Tables. Of these the most eminent is Godfrey (*Jacobus Gothofredus*).

According to his account,

The I. table is supposed to have treated of lawsuits; the II. of thefts and robberies; III. of loans, and the right of creditors over their debtors; IV. of the right of fathers of families; V. of inheritances and guardianships; VI. of property and possession; VII. of trespasses and damages; VIII. of estates in the country; IX. of the common rights of the people; X. of funerals, and all ceremonies relating to the dead; XI. of the worship of the gods, and of religion; XII. of marriages, and the right of husbands.

Several ancient lawyers are said to have commented on these laws, *Cic. de Legg.* ii. 23. *Plin.* xiv. 13., but their works are lost.

The fragments of the Twelve Tables have been collected from various authors, many of them from Cicero. The laws are in general very briefly expressed: thus,

SI IN JUS VOCET, ATQUE (i. e. *statim*) EAT.

SI MEMBRUM RUPSIT (*ruperit*), NI CUM EO PACIT (*paciscetur*), TALIO ESTO.

SI FALSUM TESTIMONIUM DICASSIT (*dixerit*), SAXO DEJICITOR.

PRIVILEGIA NE IRROGANTO ; sc. *magistratus*.

DE CAPITE (*de vitâ, libertate, et jure*) CIVIS ROMANI, NISI PER MAXIMUM CENTURIATUM (*per comitia centuriata*) NE FERUNTO.

QUOD POSTREMUM POPULUS JUSSIT, ID JUS RATUM ESTO.

HOMINEM MORTUUM IN URBE NE SEPELITO, NEVE URITO.

AD DIVOS ADEUNTO CASTE : PIETATEM ADHIBENTO, OPES AMOVENDO. QUI SECUS FAXIT, DEUS IPSE VINDEX ERIT.

FERIIS JURGIA AMOVENDO. EX PATRIIS RITIBUS OPTIMA COLUNTO.

PERJURII PŒNA DIVINA, EXITIUM ; HUMANA, DEDECUS.

IMPIUS NE AUDETO PLACARE DONIS IRAM DEORUM.

NEQUIS AGRUM CONSECRATO, AURI, ARGENTI, EBORIS SACRANDI MODUS ESTO.

The most important particulars in the fragments of the Twelve Tables come naturally to be mentioned and explained elsewhere in various places.

After the publication of the Twelve Tables, every one understood what was his right, but did not know the way to obtain it. For this they depended on the assistance of their patrons.

From the Twelve Tables were composed certain rites and forms, which were necessary to be observed in prosecuting lawsuits (*quibus inter se homines disceptarent*), called ACTIONES LEGIS. The forms used in making bargains, in transferring property, &c. were called ACTUS LEGITIMI. — There were also certain days on which a lawsuit could be raised (*quando lege agi posset*), or justice could be lawfully administered (*dies FASTI*), and others on which that could not be done (*NEFASTI*) ; and some on which it could be done for one part of the day, and not for another (*INTERCISI*) [or *endotercisi*, marked in the calendar by the letters F. N. and EN.]. The knowledge of all these things was confined to the patricians, and chiefly to the *Pontifices*, for many years ; till one Cn. Flavius, the son of a freedman, the scribe or clerk of Appius Claudius Cæcus, a lawyer who had arranged in writing these *actiones* and days, stole or copied the book which Appius had composed, and published it, A. U. 440 (*fastos publicavit, et actiones primum edidit*). In return for which favour he was made curule ædile by the people, and afterwards prætor. From him the book was called JUS CIVILE FLAVIANUM, *Liv. ix. 46. Cic. de Orat. i. 41. Muren. 11. Att. vi. 1. 1. 2. § 7. D. de Orig. Juris, Gell. vi. 9. Valer. Max. ii. 5. 2. Plin. xxxii. 1. s. 6.*

The patricians, vexed at this, contrived new forms of process ; and, to prevent their being made public, expressed them in writing by certain secret marks, (*NOTIS*, *Cic. pro Mur. 11.*, somewhat like what are now used in writing short-hand,) or, as others think, by putting one letter for another (as Augustus did, *Suet. Aug. 88.*), or one letter for a whole word (*per SIGLAS*, as it is called by later writers). However, these forms also were published by Sextus Ælius Catus, (who, for his knowledge in the civil law, is called by Ennius *egregiè cordatus homo*, a remarkably wise man, *Cic. de Orat. i. 45.*) His book was named JUS ÆLIANUM.

The only thing now left to the patricians was the interpretation of the law ; which was long peculiar to that order, and the means of raising several of them to the highest honours of the state.

The origin of lawyers at Rome was derived from the institution of



patronage. (See p. 26.) It was one of the offices of a patron to explain the law to his clients, and manage their lawsuits.

TITUS CORUNCANIUS, who was the first plebeian Pontifex Maximus, A. U. 500, *Liv. Epit.* 18, is said to have been the first who gave his advice freely to all the citizens without distinction, *l. 2. § 35. 38. D. de Orig. Jur.*, whom many afterwards imitated; as Manilius, Crassus, Mucius Scaevola, C. Aquilius, Gallus, Trebatius, Sulpicius, &c.

Those who professed to give advice to all promiscuously, used to walk across the forum (*transverso foro*), and were applied to (*ad eos adibatur*) there, or at their own houses, *Cic. Orat.* iii. 33. Such as were celebrated for their knowledge in law often had their doors beset with clients before daybreak, *Hor. Sat.* i. 1. v. 9. *Epist.* ii. 1. 104.; for their gate was open to all (*cunctis janua patebat*, *Tibull.* i. 4. 78.), and the house of an eminent lawyer was, as it were, the oracle of the whole city, *Cic. de Orat.* i. 45. Hence Cicero calls their power REGNUM JUDICIALE, *Att.* i. 1.

The lawyer gave his answers from an elevated seat (*ex solio, tanquam ex tripode*), *Cic. de Legg.* i. 3. *Orat.* ii. 33. iii. 33. The client, coming up to him, said, LICET CONSULERE? *Cic. pro Mur.* 13. The lawyer answered, CONSULE. Then the matter was proposed, and an answer returned very shortly; thus, QUÆRO AN EXISTIMES? vel, ID JUS EST NECNE? — SECUNDUM EA, QUÆ PROPONUNTUR, EXISTIMO, PLACET, PUTO, *Horat. Sat.* ii. 3. 192. Lawyers gave their opinions either by word of mouth or in writing; commonly without any reason annexed, *Senec. Epist.* 94., but not always.

Sometimes, in difficult cases, the lawyers used to meet near the temple of Apollo in the Forum, *Juvenal.* i. 128., and, after deliberating together (which was called DISPUTATIO FORI), they pronounced a joint opinion. Hence, what was determined by the lawyers, and adopted by custom, was called RECEPTA SENTENTIA, RECEPTUM JUS, RECEPTUS MOS, POST MULTAS VARIATIONES RECEPTUM; and the rules observed in legal transactions by their consent were called REGULÆ JURIS.

When the laws or edicts of the prætor seemed defective, the lawyers supplied what was wanting in both from natural equity; and their opinions in process of time obtained the authority of laws. Hence lawyers were called not only *interpretes*, but also CONDI-TORES et AUCTORES JURIS, *Digest.*, and their opinions JUS CIVILE, *Cic. pro Cæcin.* 24., *de Offic.* iii. 16., opposed to *leges*, *Cæcin.* 26.

Cicero complains that many excellent institutions had been perverted by the refinements of lawyers, *pro Mur.* 12.

Under the republic, any one that pleased might profess to give advice about matters of law; but at first this was only done by persons of the highest rank, and such as were distinguished by their superior knowledge and wisdom. By the Cincian law [passed A. U. 549], lawyers were prohibited from taking fees or presents from those who consulted them; hence, *turpe reos EMPTA miseros defendere linguâ*, *Ovid. Amor.* i. 10. 39.; which rendered the profession of jurisprudence highly respectable, as being undertaken by men of rank and learning, not from the love of gain, but from a desire of assisting their fellow-citizens, and, through their favour, of rising to preferments. Augus-

tus enforced this law by ordaining that those who transgressed it should restore fourfold, *Dio. liv. 18.*

Under the emperors, lawyers were permitted to take fees (HONORARIUM, *certam justamque mercedem*, Suet. Ner. 17.) from their clients; but not above a certain sum, (*capiendis pecuniis posuit modum* (sc. Claudius) *usque ad dena sestertia*, Tac. Annal. xi. 7.) and after the business was done. (*Peractis negotiis permittebat pecunias duntaxat decem millium dare*, Plin. Epist. v. 21.) Thus the ancient connection between patrons and clients fell into disuse, and every thing was done for hire. Persons of the lowest rank sometimes assumed the profession of lawyers, *Juvenal. viii. 47.*, pleadings became venal (*venire advocaciones*), advocates made a shameful trade of their function by fomenting lawsuits (*in lites coire*); and, instead of honour, which was formerly their only reward, lived upon the spoils of their fellow-citizens, from whom they received large and annual salaries, *Plin. Ep. v. 14.\** Various edicts (*edicta, libri, vel libelli*) were published by the emperors to check this corruption, *ibid.*, also decrees of the senate, *Id. v. 21.*; but these were artfully eluded.

Lawyers were consulted, not only by private persons, but also (*in concilium adhibebantur, vel assumebantur*) by magistrates and judges, *Cic. Top. 17. Muren. 13. Cæcin. 24. Gell. xiii. 13. Plin. Ep. iv. 22. vi. 11.*, and a certain number of them attended every proconsul and proprætor to his province.

Augustus granted the liberty of answering in questions of law only to particular persons, and restricted the judges not to deviate from their opinion, *l. 2. § ult. D. de Orig. Jur.*, that thus he might bend the laws, and make them subservient to despotism. His successors (except Caligula, *Suet. 34.*) imitated this example; till Adrian restored to lawyers their former liberty, *Dig. ibid.*, which they are supposed to have retained to the time of Severus. What alterations after that took place is not sufficiently ascertained.

Of the lawyers who flourished under the emperors, the most remarkable were M. ANTISTIVS LABEO, (*incorruptæ libertatis vir*, Tac. Annal. iii. 75. Gell. xiii. 12.) and C. ATEIVS CAPITO (*cujus obsequium dominantibus magis probabatur*, Tacit. *ibid.*) under Augustus; and these two, from their different characters and opinions, gave rise to various sects of lawyers after them; CASSIVS, under Claudius (*Cassianæ scholæ princeps*), Plin. Ep. vii. 24.; SALVIUS JULIVS, under Hadrian; POMPONIVS, under Julian; CAIVS, under the Antonines†; PAPINIVS, under Severus; ULPIVS

\* “ Persius thus alludes to the presents made to lawyers by their country clients, iii. 73.: —

—— “ Nec invidas, quod multa fidelia putet  
In locuplete penu, defensis pinguibus Umbris,  
Et piper, et pernae, Marsi monumenta clientis,  
Mœnaque quod prima nondum defecerit orca.” — *T.*

† “ An unsatisfactory abridgment of the ‘ Institutes of Caius ’ had long been known; but the genuine text was not discovered till the year 1816. In the library of the chapter of Verona, the celebrated Niebuhr found a juridical MS. of great antiquity; and when a short extract was communicated to Savigny (author of the *History of the Roman Law*), he easily ascertained that it formed a portion of the original work of this ancient lawyer, who flourished under the Antonines.” — “ It

and PAULUS, under Alexander Severus; HERMOGENES, under Constantine, &c.

Under the republic, young men who intended to devote themselves to the study of jurisprudence, after finishing the usual studies of grammar, Grecian literature, and philosophy (*Cic. in Brut.* 80. *Off.* i. 1. *Suet. de Clar. Rhet.* 1, 2., *studia LIBERALIA* v. *HUMANITATIS*, *Plutarch. in Lucull. princ.*), usually attached themselves to some eminent lawyer, as Cicero did to Q. Mucius Scaevola, *Cic. de Amic.* 1., whom they always attended, that they might derive knowledge from his experience and conversation; for these illustrious men did not open schools for teaching law, as the lawyers afterwards did under the emperors, whose scholars were called AUDITORES, *Senec. Contr.* 25.

The writings of several of these lawyers came to be as much respected in courts of justice (*usu fori*) as the laws themselves, *l.* 2. § 38. *D. de Orig. Juris.* But this happened only by tacit consent. Those laws only had a binding force, which were solemnly enacted by the whole Roman people assembled in the *Comitia*. Of these, the following are the chief:—

## LAWS OF THE ROMANS MADE AT DIFFERENT TIMES.

*LEX ACILIA*, 1. About transplanting colonies (*de coloniis deducendis*), by the tribune C. Acilius, A. U. 556, *Liv.* xxxiii. 29.

2. About extortion (*de repetundis*), by Manius Acilius Glabrio, a tribune (some say consul), A. U. 683. That, in trials for this crime, sentence should be passed after the cause was once pleaded (*semel dicta causa*), and that there should not be a second hearing (*ne reus comperendinaretur*), *Cic. procem. in Verr.* 17. i. 9. *Ascon. in Cic.*

*Lex ÆBUTIA*, by the tribune Æbutius, prohibiting the proposer of a law concerning any charge or power, from conferring that charge or power on himself, his colleagues, or relations, *Cic. in Rull.* ii. 8.

Another concerning the *Judices*, called *Centumviri*, which is said to have diminished the obligation of the Twelve Tables, and to have abolished various customs which they ordained, *Gell.* ix. 18. xvi. 10., especially that curious custom, borrowed from the Athenians (*Aristoph. in Nub.* v. 498. *Plato, de Legg.* xii.), of searching for stolen goods without any clothes on but a girdle round the waist, and a mask on the face (FURTURUM QUÆSTIO CUM LANCE ET LICIO), *Gell. ibid. Festus in LANCE.* When the goods were found, it was called FURTUM CONCEPTUM, *Inst.* ii. 10. 3.

*Lex ÆLIA* et *FUSIA de comitiis*,—two separate laws, although sometimes joined by Cicero.—The first by Q. Ælius Pætus, consul, A. U. 586, ordained, that when the *comitia* were held for passing laws, the magistrates, or the augurs by their authority, might take observations from the heavens (*de cælo servarent*); and, if the omens were unfavourable, the magistrate might prevent or dissolve the assembly (*comitiis obnunciaret*), and that magistrates of equal authority with the person who held the assembly, or a tribune, might give their negative to any law (*legi intercederent*), *Cic. pro Sext.* 15. 53. *post red. in Sen.* 5.

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may safely be affirmed that the discovery of the Institutes of Caius forms a new era in the history of jurisprudence." — *Encyc. Britann.* article *Civil Law*.

de prov. Cons. 19. in Vatin. 9. Pis. 4. Att. ii. 9. — The second, *Lex FUSIA*, or *FUFIA*, by P. Furius, consul, A. U. 617, or by one Fusius or Fufius, a tribune. That it should not be lawful to enact laws on all the *dies fasti*, Cic. *ibid.* See p. 84.

*Lex ÆLIA SENTIA*, by the consuls Ælius and Sentius, A. U. 756, about the manumission of slaves, and the condition of those who were made free, *Suet. Aug.* 40.\* See p. 40.

*Lex ÆMILIA*, about the censors. See p. 115.

*Lex ÆMILIA Sumptuaria vel Cibaria*, by M. Æmilius Lepidus consul, A. 675, limiting the kind and quantity of meats to be used at an entertainment, *Macrob. Sat.* ii. 13. *Gell.* ii. 24. Pliny ascribes this law to Marcus Scaurus, viii. 57. So *Aurel. Vict. de Vir. illustr.* 72.

*Leges AGRARIÆ*; *Cassia*, *Licina*, *Flaminia*, *Sempronia*, *Thoria*, *Cornelia*, *Servilia*, *Flavia*, *Julia*, *Mamilia*.

*Leges de AMBITU*; *Fabia*, *Calpurnia*, *Tullia*, *Aufidia*, *Licina*, *Pompeia*.

*Leges ANNALES vel Annariæ*. See p. 98.

*Lex ANTIA Sumptuaria*, by Antius Restio, the year uncertain; limiting the expense of entertainments, and ordaining that no actual magistrate, or magistrate elect, should go any where to sup but with particular persons, *Gell.* ii. 24. Antius, seeing his wholesome regulations insufficient to check the luxury of the times, never after supped abroad, that he might not witness the violation of his own law, *Macrob.* ii. 13.

*Leges ANTONIÆ*, proposed by Antony after the death of Cæsar, about abolishing the office of dictator, confirming the acts of Cæsar (*ACTA CÆSARIS*), planting colonies, giving away kingdoms and provinces, granting leagues and immunities, admitting officers in the army among jurymen, allowing those condemned for violence and crimes against the state to appeal to the people, which Cicero calls the destruction of all laws, &c. *Cic. Phil.* i. 1. 9. ii. 3. 36, 37, 38. v. 34. xiii. 3. 5. *Att.* xiv. 12. *Dio. Cass.* xlv. 28. *Appian. de Bell. Civ.* iii. transferring the right of choosing priests from the people to the different colleges, *Dio.* xlv. *fin.*, &c.

*Leges APPULEIÆ*, proposed by L. Appuleius Saturninus, A. 652, tribune of the commons; about dividing the public lands among the veteran soldiers, *Aurel. Vict. de Vir. illustr.* 73., settling colonies, *Cic. pro Balb.* 21., punishing crimes against the state (*de majestate*), *Cic. de Orat.* ii. 25. 49., furnishing corn to the poor people, at  $\frac{1}{2}$  of an *as*, a bushel (*semisse et triente*, i. e. *dextante*, vel *decunce*: See *Leges Semproniæ*), *Cic. ad Herenn.* i. 12. *de Legg.* ii. 6.

Saturninus also got a law passed, that all the senators should be obliged, within five days, to approve upon oath of what the people enacted, under the penalty of a heavy fine; and the virtuous Metellus Numidicus was banished, because he alone would not comply (*quòd in legem vi latam jurare nollet*), *Cic. pro Sext.* 16. *Dom.* 31. *Cluent.* 35. *Vict. de Vir. illustr.* 62. But Saturninus himself was soon after slain for passing these laws, by the command of Marius, who had at first encouraged him to propose them, *Cic. pro Rabir. perd.* xviii. 11., and

\* It prohibited masters, below twenty years of age, from freeing slaves, except under certain circumstances.

who by his artifice had effected the banishment of Metellus, *Plutarch. in Mar. Appian. de Bell. Civil. i. 367.*

*Lex AQUILLIA*, A. U. 672, about hurt wrongfully done (*de damno injuriâ dato*), Cic. in Bruto, 34.\* — Another, A. U. 687 (*de dolo malo*), Cic. de Nat. Deor. iii. 30. Off. iii. 14.

*Lex ATERNIA TARPEIA* [by the consuls Sp. Tarpeius and A. Aternius], A. U. 300, that all magistrates might fine those who violated their authority, but not above two oxen and thirty sheep, *Dionys. x. 50.*† After the Romans began to use coined money, an ox was estimated at 100 *asses*, and a sheep at ten, *Festus in PECULATUS.*

*Lex ATIA*, by a tribune, A. U. 690, repealing the Cornelian law, and restoring the Domitian, in the election of priests, *Dio. xxxvii. 37.*

*Lex ATILIA de dedititiis*, A. U. 543, *Liv. xxvi. 33.* — Another *de tutoribus*, A. U. 443, that guardians should be appointed for orphans and women, by the prætor and a majority of the tribunes, *Ulpian. in Fragm. Liv. xxxix. 9.* See p. 59.

— Another, A. U. 443, that sixteen military tribunes should be created by the people for four legions; that is, two thirds of the whole. For in four legions, the number which then used annually to be raised, there were twenty-four tribunes, six in each: of whom by this law four were appointed by the people, and two by the consuls. Those chosen by the people were called COMITIATI; by the consuls, RUTILI or RUFULI. At first they seem to have been all nominated by the kings, consuls, or dictators, till the year 393, when the people assumed the right of annually appointing six, *Liv. vii. 5. ix. 30. Ascon. in Cic.* Afterwards the manner of choosing them varied. Sometimes the people created the whole, sometimes only a part. But as they, through interest, often appointed improper persons, the choice was sometimes left, especially in dangerous junctures, entirely to the consuls, *Liv. xlii. 31. xliii. 12. xliv. 21.*

*Lex ATINIA*, A. U. 623, about making the tribunes of the commons senators, *Gell. xiv. 8.* — Another, that the property of things stolen could not be acquired by possession (*usucapione*). The words of the law were, QUOD SURREPTUM ERIT, EJUS ÆTERNA AUCTORITAS ESTO. (See p. 53.) *Gell. xvii. 7. Cic. in Verr. i. 42.*

*Lex AUFIDIA de Ambitu*, A. U. 692. It contained this singular clause, that if a candidate promised money to a tribe, and did not pay it, he should be excused; but if he did pay it, he should be obliged to pay to every tribe a yearly fine of 3000 *sestertii* as long as he lived, *Cic. Att. i. 16.*

*Lex AURELIA judiciaria*, by L. Aurelius Cotta, prætor, A. U. 683, that *judices* or jurymen should be chosen from the senators, *Equites*, and *Tribuni Ærarii*, *Cic. Verr. 2. 72. Phil. i. 8. Rull. i. 2.* — The last were officers chosen from the plebeians, who kept and gave out the money for defraying the expenses of the army, *Ascon. in Cic. — pro Planc. 8. Verr. 69. Att. i. 16. Festus.†*

— Another, by C. Aurelius Cotta, consul, A. U. 678, that those

\* This gave masters a right of action against persons causing the death of their slaves. See *Blair*, p. 56.

† According to Niebuhr, ii. p. 301., two sheep and thirty beeves.

‡ "Cic. Cat. iv. 7. Vide Ernesti, Clavis Cic." — T.

who had been tribunes [of the people], might enjoy other offices, which had been prohibited by Sulla, *Ascon. in Cic.*

*Lex* BÆBIA, A. U. 574; about the number of prætors: (See p. 114.)—Another against bribery, A. U. 571. *Liv.* xl. 19.

*Lex* CÆCILIA DIDIA, or *et Didia*, or *Didia et Cæcilia*, A. U. 655, that laws should be promulgated for three market-days, and that several distinct things should not be included in the same law, which was called *ferre per satutam*, *Cic. Att.* ii. 9. *Phil.* v. 3. *pro Dom.* 20.

— Another against bribery, *Cic. pro Sull.* 22, 23.

— Another, A. U. 693, about exempting the city and Italy from taxes, *Dio.* xxxvii. 51.

*Lex* CALPURNIA, A. U. 604, against extortion, by which law the first *quæstio perpetua* was established, *Cic. Verr.* iv. 25. *Off.* ii. 21.

— Another, called also *Acilia*, concerning bribery, A. 686, *Cic. pro Mur.* 23. *Brut.* 27. *Sall. Cat.* 18.

*Lex* CANULEIA, by a tribune, A. 309, about the intermarriage of the patricians with the plebeians, *Liv.* iv. 6.

*Lex* CASSIA, that those whom the people condemned should be excluded from the senate, *Ascon. in Cic. pro Corn.* Another about supplying the senate, *Tacit.* xi. 25. Another, that the people should vote by ballot, &c. See p. 86.

*Lex* CASSIA TERENTIA *Frumentaria*, by the Consuls C. Cassius and M. Terentius, A. U. 680, ordaining, as it is thought, that five *modii* or pecks of corn should be given monthly to each of the poor citizens, which was not more than the allowance of slaves, *Sallust. Hist. Fragm.* (p. 974. *ed. Cortii*), and that money should be annually advanced from the treasury, for purchasing 800,000 *modii* of wheat (TRITICI IMPERATI), at four *sestertii* a *modius* or peck; and a second tenth part (*alteras decumas*), (see p. 67.) at three *sestertii* a peck (*pro DECUMANO*), *Cic. Verr.* iii. 70. v. 21.\*

This corn was given to the poor people, by the Sempronian law, at a *semis* and *triens* a *modius* or peck; and by the Clodian law, *gratis* (see p. 172.) In the time of Augustus, we read that 200,000 received corn from the public, *Dio.* lv. 10. *Suet. Aug.* 40. 42. Julius Cæsar reduced them from 320,000 to 150,000, *Suet. Jul.* 41.

*Lex* CENTURIATA, the name of every ordinance made by the *Comitia Centuriata*, *Cic. in Rull.* ii. 11.

*Lex* CINCIA *de donis et muneribus*, hence called MUNERALIS, *Plaut. apud Festum*, by Cincius, a tribune, A. U. 549, that no one should take money or a present for pleading a cause, *Cic. de Senect.* 4. *de Orat.* ii. 7. *Att.* i. 20. *Tacit. Ann.* xi. 5. *Liv.* xxxiv. 4.

*Lex* CLAUDIA *de navibus*, A. 535, that a senator should not have a vessel above a certain burden. (See p. 7.) A clause is supposed to have been added to this law prohibiting the quæstor's clerks from trading, *Suet. Dom.* 9.

Another, by Claudius the consul, at the request of the allies, A. 573, that the allies and those of the Latin name should leave Rome, and return to their own cities. According to this law the consul

\* "Cicero, in *Q. Cæcil. Divin.* § 10., mentions the price of corn in Sicily at two *sestertii* (four-pence) the peck."—T.



made an edict; and a decree of the senate was added, that for the future no person should be manumitted, unless both master and slave swore that he was not manumitted for the sake of changing his city. For the allies used to give their children as slaves to any Roman citizen on condition of their being manumitted (*ut libertini cives essent*), Liv. xli. 8, 9. Cic. pro Balb. 23.

— by the Emperor Claudius, that usurers should not lend money to minors, to be paid after the death of their parents, *Tacit. Ann.* xi. 13., supposed to be the same with what was called the SENATUS-CONSULTUM MACEDONIANUM, *Ulpian.* enforced by Vespasian, *Suet.* 11. To this crime Horace alludes, *Sat.* i. 2. 14.\*

— by the consul Marcellus, A. 703, that no one should be allowed to stand candidate for an office while absent: thus taking from Cæsar the privilege granted him by the Pompeian law (*Cæsari privilegium eripiens vel beneficium populi adimens*); also, that the freedom of the city should be taken from the colony of *Novumcomum*, which Cæsar had planted, *Suet. Jul.* 28. *Cic. Fam.* xiii. 35.

*Leges CLODIÆ*, by the tribune P. Clodius, A. 695.

— 1. That the corn which had been distributed to the people for a *semis* and *triens*, or for  $\frac{1}{3}$  of an *as*, *dextans*, the *modius*, or peck, should be given *gratis*, Cic. pro Sext. 25. Ascon. in Cic. See p. 171.

— 2. That the censors should not expel from the senate or inflict any mark of infamy on any man who was not first openly accused and condemned by their joint sentence. *Cic. ibid.* — in *Pis.* 5. *Dio.* xxxviii. 13.

— 3. That no one should take the auspices, or observe the heavens when the people were assembled on public business; and, in short, that the Ælian and Fusian laws should be abrogated. (See p. 84.)† *Cic. Vat.* 6, 7. 9. *Sext.* 15. 26. *Prov. Cons.* 19. *Ascon. in Pis.* 4.

— 4. That the old companies or fraternities (*collegia*) of artificers in the city which the senate had abolished, should be restored, and new ones instituted, *Cic. in Pis.* 4. *Suet. Jul.* 42.

\* “By a law of Claudius (*Suet. Claud.* 25.), a master who exposed his sick or infirm slaves (which had become very common on the isle of Æsculapius in the Tiber) forfeited all rights over them, in the event of their recovery; and the same consequences followed the exposure of infant slaves.” — *Blair*, pp. 87. 102.

† “The two laws, now repealed, had been in force about a hundred years; and made it unlawful to act any thing with the people, while the augurs or consuls were observing the heavens, and taking the auspices. This wise constitution was the main support of the aristocratical interest, and a perpetual curb to the petulance of factious tribunes, whose chief opportunity of doing mischief lay in their power of obtruding dangerous laws upon the city, by their credit with the populace. Cicero, therefore, frequently laments the loss of these two laws, as fatal to the republic: he calls them the most sacred and salutary laws of the state, the fences of their civil peace and quiet; the very walls and bulwarks of the republic, which had held out against the fierceness of the Gracchi; the audaciousness of Saturninus; the mobs of Drusus; the bloodshed of Cinna; the arms of Sylla; to be abolished, at last, by the violence of this worthless tribune.” — *Middleton's Cic.* i. p. 274. “When the senate was desirous of recalling Cicero from banishment, they proceeded to several new and vigorous votes, to facilitate the passing of their decree into a law; among others, that no magistrate should presume to take the auspices, so as to disturb the assembly of the people, when Cicero's cause was to come before them; and that if any one attempted it, he should be treated as a public enemy.” — *Ibid.* p. 323.

These laws were intended to pave the way for the following —

— 5. That whoever had taken the life of a Roman citizen without a trial, should be prohibited from fire and water in which law Cicero, although not named, was plainly pointed at *Jal. ii. 45.*, and soon after, by means of a third law, the prohibition was expressly decreed by a second law. *Cic. pro Dom. 14. 15. 22. post red. in Sen. 2. 5, &c.*

Cicero had engaged Ninius, a tribune, to remove these laws, but was prevented from using his assistance, by the actual entrance of *Julius Dio. xxxviii. 13.*; and Pompey, on whose assistance he had chosen to rely, betrayed him, *ibid. 17. Phalaris* — *Cic. Att. i. 4.* Cicero was then without the walls with his army, ready to set out for the province of Gaul, offered to make him one of his legates, but that, on the advice of Pompey, he declined. *Dio. xxxviii. 15.* Cicero, although secretly inimical to Cicero, *ibid. 16.* at the persuasion of his son, who was a great admirer of Cicero's, *Cic. Qu. 1. 1. 2.* did not openly oppose him, *Cic. Sext. 17. 18.* But Cicero's departure that winter was by the authority of the *Triumviri*, *Cic. Sext. 15. 16.* and the interposition of the senate and *Equites*, who, by the number of *Sen. 15.* changed their habit on Cicero's account. *Cic. post red. ad Quir. 1.* was rendered abortive by means of the *Comitia* from the *Interim* law of Caesar, and Gabinus, the creature of Pompey, *Cic. Sext. 12, 13, &c.* Cicero, therefore, after several mean compliances, putting on the habit of a criminal, *Dio. xxxviii. 14.* and even throwing himself at the feet of Pompey, *Cic. Att. i. 4.* was at last obliged to leave the city, about the end of March A.U. 665. He was prohibited from coming within 465 miles of Rome, under pain of death to himself, and to any person who entertained him, *Cic. Att. ii. 4. Dio. xxxviii. 17.* He therefore retired to *Thurium* in *Macedonia*. *Cic. Planc. 41. Red. in Senat. 14.* His houses at Rome and in the country were burnt, and his furniture plundered. *ibid. 7. post Dom. 34.* Cicero did not support his exile with fortitude, but showed marks of dejection, and uttered expressions of great regret of his former character, *Dio. xxxviii. 18. Cic. Att. iii. 7. 8. 9. 10. 11. 12. 13. 14. &c.* He was restored with great honour, through the influence of Pompey, by a very unanimous decree of the senate, and by a law passed at the *Comitia Centuriata*, 4th August the next year, *Cic. Att. iv. 1. post red. ad Quir. 7. in Senat. 11. Mil. 51. Planc. 5. Dio. xxxix. 8.* Had Cicero acted with as much dignity and independence, after he reached the summit of his ambition, as he did with industry and integrity in aspiring to it, he needed not to have owed his safety to any one.

— 6. That the kingdom of Cyprus should be taken from *Ptolemy*, and reduced into the form of a province, *Cic. pro Dom. 5. Vell. ii. 42.* the reason of which law was, to punish that king for having refused Clodius money to pay his ransom, when taken by the pirates, and to remove Cato out of the way, by appointing him to execute the order of the people, that he might not thwart the unjust proceedings of the tribune, nor the views of the *triumviri*, by whom Cicero was supported, *Cic. pro Sext. 18. 28. Dom. 25. Dio. xxxviii. 30. xxxix. 22.*

— 7. To reward the consuls *Piso* and *Gabinus*, who had favoured Clodius in his measures, the province of *Macedonia* and *Greece* was

by the people given to the former, and Syria to the latter, *Cic. ibid.* 10. 24. *in Pis.* 16.

— 8. Another law was made by Clodius to give relief to the private members of corporate towns (*municipiorum*), against the public injuries of their communities, *Cic. pro Dom.* 30.

— 9. Another to deprive the priest of Cybèle, at Pessinus in Phrygia, of his office, *Cic. Sext.* 26. *de resp. Harusp.* 13.

*Lex CœLIA tabellaria perduellionis*, by Cœlius, a tribune. See p. 86.

*Leges CORNELIÆ*, enacted by L. Cornelius Sylla the dictator, A. 672.

— 1. *De proscriptione et proscriptis*, against his enemies, and in favour of his friends. Sylla first introduced the method of proscription. Upon his return into the city, after having conquered the party of Marius, he wrote down the names of those whom he doomed to die, and ordered them to be fixed upon tables in the public places of the city, with the promise of a certain reward (*duo talenta*) for the head of each person so proscribed. New lists (*tabulæ proscriptionis*) were repeatedly exposed as new victims occurred to his memory, or were suggested to him.\* The first list contained the names of 40 senators and 1600 equites, *Appian. B. Civ.* 409. Incredible numbers were massacred, not only at Rome, but through all Italy, *Dio. Fragm.* 137. Whoever harboured or assisted a proscribed person was put to death, *Cic. in Verr.* i. 47. The goods of the proscribed were confiscated, *Cic. pro Rosc. Amer.* 43, 44. *in Rull.* iii. 3., and their children declared incapable of honours, *Vel. Pat.* ii. 28. *Cic. in Pis.* 2. The lands and fortunes of the slain were divided among the friends of Sylla, *Sallust. Cat.* 51., who were allowed to enjoy preferments before the legal time, *Cic. Acad.* ii. 1.

— *De MUNICIPIIS*, that the free towns which had sided with Marius should be deprived of their lands, and the right of citizens; the last of which Cicero says could not be done (*quia jure Romano civitas nemini invito adimi poterat*), *pro Dom.* 30. *Cæcin.* 33.

Sylla being created dictator with extraordinary powers by L. Valerius Flaccus, the *Interrex*, in an assembly of the people by centuries, *Appian. B. Civ.* i. 411., and having there got ratified whatever he had done or should do, by a special law (*sive VALERIA, sive CORNELIA*, *Cic. pro Rosc. Am.* 43., *Cic. in Rull.* iii. 2.), next proceeded to regulate the state, and for that purpose made many good laws.

2. Concerning the republic, the magistrates, see p. 96.; the provinces, see p. 147.; the power of the tribunes, see p. 127. That the *judices* should be chosen only from among the senators: that the

\* So Juvenal speaks of the *Tabula Syllæ*, as synonymous with proscription: — "If Clodius should accuse adulterers, and Catiline Cethegus, in *tabulam Syllæ* si dicant discipuli tres?" *Sat.* ii. 28. alluding to the two triumvirates that followed Sylla's example. Sylla was the first who violated the asylum of liberty, by entering Rome at the head of his army; and by commencing the odious system of proscription, he was the first who rendered it necessary for every respectable individual to protect himself by belonging to a faction. He was the first who rendered property insecure, by dividing the lands of the citizens among his soldiers; and, as a permanent check upon the people, he stationed forty-seven legions in various parts of Italy, who had been his companions in arms, and were ready at any time to volunteer their services as the instruments of his vengeance.

priests should be elected by their respective colleges, *Ascon. ad Cic. Divin. in Verr.* 3.

3. Concerning various crimes; — *de MAJESTATE*, *Cic. in Pis.* 12. *pro Cluent.* 35. *ad Fam.* iii. 11. (See p. 147.) — *de REPETUNDIS*, *Cic. pro Rabir.* 3. (See p. 114.) — *de SICARIIS et VENEFCIS*, those who killed a person with weapons or poison; also who took away the life of another by false accusation, &c. — One accused by this law was asked whether he chose sentence to be passed on him by voice or by ballot? (*palam an clam?*) *Cic. pro Cluent.* 20. — *de INCENDIARIIS*, who fired houses; — *de PARRICIDIS*, who killed a parent or relation; — *de FALSO*, against those who forged testaments or any other deed, who debased or counterfeited the public coin (*qui in aurum vitii quid addiderint vel adulterinos nummos fecerint*), &c. Hence this law is called by Cicero, CORNELIA TESTAMENTARIA, NUMMARIA, *in Verr.* i. 42.

The punishment annexed to these laws was generally *aquæ et ignis interdictio*, banishment.

Sylla also made a sumptuary law, limiting the expense of entertainments, *Gell.* ii. 24. *Macrob. Sat.* ii. 13.

There were other *leges CORNELIÆ*, proposed by Cornelius the tribune, A. U. 686, that the prætors in judging should not vary from their edicts. (See p. 110.) That the senate should not decree about absolving any one from the obligation of the laws without a quorum of at least two hundred, *Ascon. in Cic. pro Cornel.*

*Lex CURIA*, by Curius Dentatus when tribune, A. U. 454, that the senate should authorise the *comitia* for electing plebeian magistrates, *Aur. Vic.* 37., *Cic. de clar. Orat.* 14.

*Leges CURIATÆ*, made by the people assembled by *curiæ*. See p. 74.

*Lex DECIA*, A. U. 443, that *Duumviri navales* should be created for equipping and refitting a fleet, *Liv.* ix. 30.

*Lex DIDIA sumptuaria*, A. U. 610, limiting the expense of entertainments, and the number of guests; that the sumptuary laws should be extended to all the Italians; and not only the master of the feast, but also the guests, should incur a penalty for their offence, *Macrob. Sat.* ii. 13.

*Lex DOMITIA de sacerdotiis*, the author Cn. Domitius Ahenobarbus, a tribune, A. U. 650, that priests (*i. e.* the *pontifices*, *augures*, and *decemviri sacris faciendis*,) should not be chosen by the colleges, as formerly, but by the people. (See p. 92.) *Suet. Ner.* 2. *Cic. Rull.* ii. 7. The *Pontifex Maximus* and *Curio Maximus* were, in the first ages of the republic, always chosen by the people, *Liv.* xxv. 5. xxvii. 8.

*Lex DUILIA*, by Duilius, a tribune, A. 304, that whoever left the people without tribunes, or created a magistrate from whom there was no appeal, should be scourged and beheaded, *Liv.* iii. 55.\*

\* "The punishment mentioned by Diodorus, xii. 26., is death at the stake; and this is indubitably more accurate than Livy's scourging and beheading. The infliction of the punishment, *more majorum*, did not belong to the tribunes; and death by fire was the proper one for high treason. This law, from some cause which can hardly be explained, half repeats the second of the Valerian laws." — *Nieb.* ii. p. 367.

*Lex DUILIA MÆNIA de unciario fœnore*, A. 396, fixing the interest of money at one per cent., *Liv. vii. 16.* — Another, making it capital for one to call assemblies of the people at a distance from the city, *ibid.*

*Lex FABIA de plagio vel plagiariis*, against kidnapping or stealing away and retaining freemen or slaves, *Cic. pro Rabir. perd. 3. ad Quinct. Fr. i. 2.* The punishment at first was a fine, but afterwards to be sent to the mines; and for buying or selling a freeborn citizen, death.\*

Literary thieves, or those who stole the works of others, were also called *PLAGIARI*, *Martial. i. 53.*

— Another, limiting the number of *Sectatores* that attended candidates, when canvassing for any office. It was proposed, but did not pass, *Cic. pro Muren. 34.*

The *SECTATORES*, who always attended candidates, were distinguished from the *SALUTATORES*, who only waited on them at their houses in the morning, and then went away; and from the *DEDUCTORES*, who also went down with them to the Forum and Campus Martius; hence called by Martial, *ANTAMBULONES*, *ii. 18.*, *Cic. de pet. cons.* See p. 81.

*Lex FALCIDIA testamentaria*, A. 713, that the testator should leave at least the fourth part of his fortune to the person whom he named his heir, *Paul. ad Leg. Falcid.* — *Dio. xlviii. 33.*

*Lex FANNIA*, A. 588, limiting the expenses of one day at festivals to 100 *asses*, whence the law is called by Lucilius, *CENTUSSIS*; on ten other days every month, to thirty; and on all other days, to ten *asses*: also, that no other fowl should be served up (*ne quid volucrium vel volucre poneretur*), except one hen, and that not fattened for the purpose (*quæ non altilis esset*), *Gell. ii. 24.* *Macrob. Sat. ii. 13.* (*quod deinde caput translatum, per omnes leges ambulavit*), *Plin. x. 50. s. 71.*

*Lex FLAMINIA*, A. 521, about dividing among the soldiers the lands of Picenum, whence the *Galli Senõnes* had been expelled; which afterwards gave occasion to various wars, *Polyb. ii. 21.* *Cic. Sen. 4.*

*Lex FLAVIA agraria*, the author L. Flavius, a tribune, A. 695, for the distribution of lands among Pompey's soldiers; which excited so great commotions, that the tribune, supported by Pompey, had the hardiness to commit the consul Metellus to prison for opposing it, *Dio. Cass. xxxvii. 50.* *Cic. Att. i. 18, 19. ii. 1.*

*Leges FRUMENTARIÆ*, laws for the distribution of corn among the people, first at a low price, and then *gratis*; the chief of which were the Sempronian, Appuleian, Cassian, Clodian, and Octavian laws.

*Lex FUFIA*, A. 692, that Clodius should be tried for violating the sacred rites of the *Bona Dea*, by the prætor with a select bench

\* "Man-stealing appears to have been, at all times, a very prevalent crime among the ancients; there is every reason to think, that Terence was kidnapped from Carthage; the *Persa* and *Pænulus* of Plautus show that such practices were not unusual in the East, when they, or their originals, were written; and St. Paul (1 *Tim. i. 10.*), in denouncing man-stealers as sinners of the worst class, impresses us with the belief, that these offences were very frequent." — *Blair*, p. 31.

of judges; and not before the people, according to the decree of the senate, *Cic. ad Att.* i. 13, 14. 16. Thus by bribery he procured his acquittal, *Dio.* xxxvii. 46.

*Lex FULVIA*, A. 628, about giving the freedom of the city to the Italian allies; but it did not pass, *Appian. de Bell. Civ.* i. 371. *Val. Max.* ix. 5.

*Lex FURIA*, by Camillus the dictator, A. 385, about the creation of the curule ædiles, *Liv.* vi. 42.

*Lex FURIA*, vel *Fusia*, (for both are the same name, *Liv.* iii. 4. *Quinctilian.* i. 4. 13.) *de testamentis*, that no one should leave by way of legacy more than 1000 *asses*, and that he who took more should pay fourfold, *Cic. in Verr.* i. 42. *pro Balb.* 8. *Theophil. ad Instit.* ii. 22. By the law of the Twelve Tables, one might leave what legacies he pleased.

*Lex FURIA ATILIA*, A. 617, about giving up Mancinus to the Numantines, with whom he had made peace without the order of the people or senate, *Cic. Off.* iii. 30.

*Lex FUSIA de comitiis*, A. 691, by a prætor, that in the *Comitia Tributa*, the different kinds of people in each tribe should vote separately, and thus the sentiments of every rank might be known, *Dio.* xxxviii. 8.

*Lex FUSIA* vel *Furia CANINIA*, A. 751, limiting the number of slaves to be manumitted, in proportion to the whole number which any one possessed; from two to ten the half, from ten to thirty the third, from thirty to a hundred the fourth part; but not above a hundred, whatever was the number, *Vopisc. Tacit.* 11. *Paul. Sent.* iv. 15. See p. 39.

*Leges GABINIÆ*, by A. Gabinus, a tribune, A. 685, that Pompey should get the command of the war against the pirates, with extraordinary powers (*cum imperio extraordinario*), *Cic. pro Leg. Manil.* 17. *Dio.* xxxvi. 7. That the senate should attend to the hearing of embassies the whole month of February, *Cic. ad Quinct. Fr.* ii. 13. That the people should give their votes by ballots, and not *viva voce* as formerly, in creating magistrates. (See p. 86.) That the people of the provinces should not be allowed to borrow money at Rome from one person to pay another (*versuram facere*), *Cic. Att.* v. 21. vi. 2.

There is another Gabinian law, mentioned by Porcius Latro in his declamation against Catiline, which made it capital to hold clandestine assemblies in the city, c. 19. But this author is thought to be supposititious. See *Cortius on Sallust*.

It is certain, however, that the Romans were always careful to prevent the meetings of any large bodies of men (*hetæriæ*), which they thought might be converted to the purposes of sedition, *Plin. Ep.* x. 43. 94. On this account, Pliny informs Trajan, that according to his directions he had prohibited the assemblies of Christians, *Id.* 97. 76.

*Lex GELLIA CORNELIA*, A. 681, confirming the right of citizens to those to whom Pompey, with the advice of his council (*de consilii sententiâ*), had granted it, *Cic. pro Balb.* 8. 14.

*Lex GENUCIA*, A. 411, That both consuls might be chosen from



the plebeians, *Liv.* vii. 42. That usury should be prohibited: that no one should enjoy the same office within ten years, nor be invested with two offices in one year, *ibid.*

*Lex* GENUCIA ÆMILIA, A. 390, about fixing a nail in the right side of the temple of Jupiter, *Liv.* vii. 3.

*Lex* GLAUCIA, A. 653, granting the right of judging to the *Equites*, *Cic. de clar. Orator.* 62.—*De repetundis.* See *LEX SERVILIA*.

*Lex* GLICIA, *de inofficioso testamento.* See p. 57.

*Lex* HIERONICA, vel *frumentaria*, *Cic. Verr.* ii. 13., containing the conditions on which the public lands of the Roman people in Sicily were possessed by the husbandmen. It had been prescribed by Hiero, tyrant of Syracuse, to his tenants (*iis qui agros regis colerent*), and was retained by the prætor Rupilius, with the advice of his council, among the laws which he gave to the Sicilians, when that country was reduced into the form of a province, *Cic. Verr.* iii. 8. 10. It resembled the regulations of the censors (*LEGES CENSORIÆ*), in their leases and bargains (*in locationibus et pactionibus*), and settled the manner of collecting and ascertaining the quantity of the tithes, *Cic. Verr.* v. 28.

*Lex* HIRTIA, A. 704, that the adherents of Pompey (*Pompeiani*) should be excluded from preferments, *Cic. Phil.* xiii. 16.

*Lex* HORATIA, about rewarding Caia Terratia, a vestal virgin, because she had given as a present to the Roman people the *Campus Tiberinus*, or *Martius*\*: that she should be admitted to give evidence (*testabilis esset*), be discharged from her priesthood (*exaugurari posset*), and might marry if she chose, *Gell.* vi. 7.

[*Lex* HORATIA, A. 306, *de plebiscitis*, p. 18. 92. 160.]

*Lex* HORTENSIA, *de plebiscitis.* See p. 160.

*Lex* HORTENSIA [A. 467], that the *nundinæ* or market-days, which used to be held as *feriæ* or holydays, should be *fasti* or court-days: that the country people who came to town for market might then get their lawsuits determined (*lites componerent*), *Macrob. Sat.* i. 16.†

\* But the *Campus Martius* is also said to have belonged to the Tarquins, and to have been confiscated after their expulsion. "It is not conceivable that this large plain belonged to a single proprietor, but far more likely that what she gave was merely a field in the neighbourhood. Perhaps the law mentioned only the *campus Tiberinus*, and *sive Martius* may have been an explanation added by Gellius."—*Nieb.* i. p. 464.

† "The days on which the *plebs*, and those on which the *populus* assembled, were distinct, like their places of meeting, their games, and every thing else. Those of the *plebs* were the *nundines*, on which the country people came in to market; on these days they appeared to plead their causes with the members of their own order, and held public debates on such matters as they were prescriptively entitled, or invited by the senate, to discuss: this was settled in the original constitution by king Servius; and hence funeral sacrifices were offered to his shade on those days in after ages. On the other hand, it was unlawful to bring any measure before the *populus*, or to hold its *comitia*, on the *nundines*: so that they were *feriæ* and *nefasti* for the burgeses, days of business for the commonalty; and these alone were so, not those on which the *populus* met. This distinction was done away by the Hortensian law—the very same which gave the force of laws to the decrees of the people—and for this very reason: by that law the *nundines* became *dies fasti*; and now was introduced the custom of convoking the centuries also for the third *nundine*, to pass laws

*Lex* HOSTILIA, *de furtis*, about theft, is mentioned only by Justinian, *Instit.* iv. 10.

*Lex* ICILIA, *de tribunis*, A. 261, that no one should contradict or interrupt a tribune (*interfari tribuno*) while speaking to the people, *Dionys.* vii. 17.\*

— Another, A. 297, *de Aventino publicando*, that the Aventine hill should be common for the people to build upon. *Id.* x. 32. *Liv.* iii. 31. It was a condition in the creation of the *decemviri*, that this law, and those relating to the tribunes (LEGES SACRATÆ), should not be abrogated, *Liv.* iii. 32.

*Lex* JULIA, *de civitate sociis et Latinis dandâ*; the author L. Julius Cæsar, A. 663, that the freedom of the city should be given to the Latins and all the Italian allies who chose to accept of it (*qui ei legi fundi fieri vellent*), *Cic. pro Balb.* 8. *Gell.* iv. 4. See p. 43. 64.

*Leges* JULIÆ, laws made by Julius Cæsar and Augustus.

— 1. By C. Julius Cæsar, in his first consulship, A. U. 694, and afterwards when dictator:

*Lex* JULIA AGRARIA, for distributing the lands of Campania and Stella to 20,000 poor citizens, who had each three children or more, *Cic. pro Planc.* 5. *Att.* ii. 16. 18, 19. *Vell.* ii. 44. *Dio.* xxxviii. 1. 7.

When Bibulus, Cæsar's colleague in the consulate, gave his negative to this law, he was driven from the forum by force. And next day, having complained in the senate, but not being supported, he was so discouraged, that during his continuance in office for eight months, he shut himself up at home, without doing any thing, but interposing by his edicts, (*ut, quoad potestate abiret, domo abditus nihil aliud quàm per edicta obnuntiaret,*) *Suet. Jul.* 20. *Dio.* xxxviii. 6., by which means, while he wished to raise odium against his colleague, he increased his power, *Vell.* ii. 44. Metellus Celer, Cato, and his great admirer (*æmulator*) M. Favonius, at first refused to swear to this law; but, constrained by the severity of the punishment annexed to it, which Appian says was capital, *de Bell. Civil.* ii. 434., they at last complied, *Dio.* xxxviii. 7. *Plutarch. in Cato. Minor.* This custom of obliging all citizens, particularly senators, within a limited time, to signify their approbation of a law by swearing to support it, at first introduced in the time of Marius (see *Leges Appuleiæ*), was now observed with respect to every ordinance of the people, however violent and absurd, *Dio.* xxxviii. 7. *Cic. Sext.* 28.

— *de PUBLICANIS tertiâ parte pecuniæ debitæ relevandis*, about remitting to the farmers-general a third part of what they had stipulated to pay, *Suet. ibid.* *Cic. pro Planc.* 14. *Dio. ibid.* *Appian. B. Civ.* ii. 435. (See p. 20.) When Cato opposed this law with his usual firmness, Cæsar ordered him to be hurried away to prison; but

or elect officers. It is only by an anticipation, that Livy (iii. 35.) speaks of the *trinundinum* in giving a detailed account of the appointment of the *decemvirs*. — *Nieb.* ii. p. 213.

\* “ This law cannot have been much prior to the year 293, in which it was put into execution for the first time against Cæso Quinctius.” — *Nieb.* ii. p. 97. “ The name of Icilius occurs among those of the first five tribunes elected by the tribes. I have no doubt that this was the same person, and that the law was enacted in the year 284.” — P. 231.

fearing lest such violence should raise odium against him, he desired one of the tribunes to interpose and free him, *Plutarch. in Cæs.*

Dio says that this happened when Cato opposed the former law in the senate, xxxviii. 3. So *Suet. Cæs.* 20. *Gell.* iv. 10. When many of the senators followed Cato, one of them, named M. Petreius, being reproved by Cæsar for going away before the house was dismissed, replied, "I had rather be with Cato in prison, than here with Cæsar," *ibid.* See p. 13.

*Lex JULIA*, for the ratification of all Pompey's acts in Asia. This law was chiefly opposed by Lucullus; but Cæsar so frightened him with threatening to bring him to an account for his conduct in Asia, that he promised compliance on his knees, *Suet. ibid.*

—— *de* PROVINCIIS ORDINANDIS; an improvement on the *Corneian* law about the provinces: ordaining that those who had been prætors should not command a province above one year, and those who had been consuls, not above two years, *Cic. Phil.* 1. 8. [*Suet. Cæs.* 42, 43.] *Dio.* xliii. 25. Also ordaining that Achaia, Thessaly, Athens, and all Greece should be free and use their own laws, *Cic. in Pis.* 16.

—— *de* SACERDOTIIS, restoring the *Domitian* law, and permitting persons to be elected priests in their absence, *Cic. ad Brut.* 5.

—— JUDICIARIA, ordering the *judices* to be chosen only from the senators and *equites*, and not from the *tribuni ærarii*, *Suet. Jul.* 41. *Cic. Phil.* i. 9.

—— *de* REPETUNDIS, very severe (*acerrima*) against extortion. It is said to have contained above 100 heads, *Cic. Fam.* viii. 7. *in Pis.* 16. 21. 37. *Sext.* 64. *pro Rabir. Posth.* 4. *Vatin.* 12. *ad Att.* v. 10. 16. *Suet. Jul.* 43.

—— *de* LEGATIONIBUS LIBERIS, limiting their duration to five years (see p. 18. 194.), *Cic. Att.* xv. 11. They were called *liberæ*, *quod, cum relictis, introire, exire licebat*, *ibid.*

—— *de* VI PUBLICA ET PRIVATA, ET DE MAJESTATE, *Cic. Phil.* i. 8, 9.

—— *de* PECUNIIS MUTUIS, about borrowed money. (See p. 45.) *Dio.* xli. 37. xlii. 51. *Cæs. B. C.* iii. 1. 20. 42.

—— *de* MODO PECUNIÆ POSSIDENDÆ, that no one should keep by him in *specie* above a certain sum (*LX sestertia*), *Dio.* xli. 38. *Tacit. Annal.* vi. 16.

—— About the population of Italy, that no Roman citizen should remain abroad above three years, unless in the army, or on public business; that at least a third of those employed in pasturage should be freeborn citizens; also, about increasing the punishment of crimes, dissolving all corporations or societies, except the ancient ones, granting the freedom of the city to physicians, and professors of the liberal arts, &c. *Suet.* 42.

—— *de* RESIDUIS, about bringing those to account who retained any part of the public money in their hands, *Marcian.* l. 4. s. 3. *ad Leg. Jul.*

—— *de* LIBERIS PROSCRIPTORUM, that the children of those proscribed by Sylla should be admitted to enjoy preferments, *Suet. Jul.* 41., which Cicerò, when consul, had opposed, *Cic. in Pis.* 2.

—— SUMPTUARIA, *Suet. Jul.* 42. *Cic. ad Att.* xiii. 7. *Fam.* vii.

26. ix. 15. It allowed 200 HS. on the *dies profesti*; 300 on the calends, nones, ides, and some other festivals; 1000 at marriage-feasts (*nuptiis et repotiis*), and such extraordinary entertainments. Gellius ascribes this law to Augustus, ii. 24., but it seems to have been enacted by both, *Dio*. liv. 2. By an edict of Augustus or Tiberius, the allowance for an entertainment was raised, in proportion to its solemnity, from 300 to 2000 HS. *Gell. ibid.*

*Lex JULIA de veneficiis*, about poisoning, *Suet. Ner.* 33.

2. The *Leges JULIÆ* made by Augustus were chiefly:

— Concerning marriage, (*de maritandis ordinibus*, *Suet. Aug.* 34., hence called by Horace *LEX MARITA*, *Carm. secul.* v. 68.) *Liv. Epit.* 59. *Suet.* 89.

— *de ADULTERIIS, et de pudicitia*, *Plin. Ep.* vi. 31.—*de ambitu*, *Suet.* 34., against forestalling the market, (*nequis contra annonam fecerit, societatemve coierit, quò annona carior fiat*, Ulpian.)

— *de TUTORIBUS*, that guardians should be appointed for orphans in the provinces, as at Rome, by the *Atilian law*, *Justin. Inst. de Atil. Tut.*

*Lex JULIA THEATRALIS*, that those *equites* who themselves, their fathers, or grandfathers, had the fortune of an *eques*, should sit in the fourteen rows assigned by the Roscian law to that order, *Suet. Aug.* 40. *Plin.* xxxiii. 2. s. 8.

There are several other laws called *Leges Juliae*, which occur only in the *Corpus Juris*.

Julius Cæsar proposed revising all the laws, and reducing them to a certain form. But this, with many other noble designs of that wonderful man, was prevented by his death, *Suet. Jul.* 44.

*Lex JUNIA*, by M. Junius Pennus, a tribune, A. 627, about expelling foreigners from the city. (See p. 72.) Against extortion, ordaining that, besides the *litis æstimatio*, or paying an estimate of the damages, the person convicted of this crime should suffer banishment, *Patere.* ii. 8. *Cic. pro Balb.* 11.

— Another, by M. Junius Silanus the consul, A. 644, about diminishing the number of campaigns which soldiers should serve, *Ascon. in Cic. pro Cornel.*

*Lex JUNIA LICINIA*, or *Junia et Licinia*, A. 691, enforcing the Didian law by severer penalties, *Cic. Phil.* v. 3. *pro Sext.* 64. *Vatin.* 14. *Att.* ii. 9. iv. 16.

*Lex JUNIA NORBANA*, A. 771, concerning the manumission of slaves. See p. 40.

*Lex LABIENA*, A. 691, abrogating the law of Sylla, and restoring the Domitian law in the election of priests; which paved the way for Cæsar's being created *Pontifex Maximus*, *Dio.* xxxvii. 37. By this law, two of the college named the candidates, and the people chose which of them they pleased, *Cic. Phil.* ii. 2.

*Lex AMPLA LABIENA*, by two tribunes, A. 663, that at the Circensian games Pompey should wear a golden crown, and his triumphal robes; and in the theatre, the *prætecta* and a golden crown; which mark of distinction he used only once, *Paterc.* ii. 40.

*Lex LÆTORIA*, A. 292, that the plebeian magistrates should be created at the *Comitia Tributa*, *Liv.* ii. 56, 57.

— Another, A. 490, against the defrauding of minors (*contra*

*adulescentium circumscriptionem*), Cic. Off. iii. 15. By this law the years of minority were limited to twenty-five, and no one below that age could make a legal bargain (*stipulari*), Plaut. Rud. v. 3. 25., whence it is called *Lex QUINA VICENARIA*, Plaut. Pseud. i. 3. 68.

*Leges LICINIÆ*, by P. Licinius Varus, city prætor, A. 545, fixing the day for the *ludi Apollinares*, which before was uncertain, Liv. xxvii. 23.

— by C. Licinius Crassus, a tribune, A. 608, that the choice of priests should be transferred from their college to the people; but it did not pass, Cic. de Amic. 25.

This Licinius Crassus, according to Cicero, first introduced the custom of turning his face to the Forum when he spoke to the people, and not to the senate, as formerly (*primum instituit in forum versus agere cum populo*), ibid. But Plutarch says this was first done by Caius Gracchus. Plut. in Gracch.

— by C. Licinius Stolo, A. 377, that no one should possess above 500 acres of land, Liv. vi. 35., nor keep more than 100 head of great, or 500 head of small cattle, Appian. de Bell. Civ. i. But Licinius himself was soon after punished for violating his own law, Liv. vii. 16.\*

— by Crassus the orator, similar to the Æbutian law, Cic. pro Dom. 20.

*Lex LICINIA, de sodalitiis et de ambitu*, A. 698, against bribery, and assembling societies or companies for the purpose of canvassing for an office, Cic. pro Planc. 15, 16. In a trial for this crime, and for it only, the accuser was allowed to name (*edere*) the jurymen (*judices*) from the people in general (*ex omni populo*), ibid. 17.

*Lex LICINIA sumptuaria*, by the consuls P. Licinius Crassus the Rich, and Cn. Lentulus, A. 656, much the same with the *Fannian* law; that on ordinary days there should not be more served up at table than three pounds of fresh, and one pound of salt meat (*salsamentorum*); but as much of the fruits of the ground as every one pleased, Macrob. ii. 13. Gell. ii. 24.

*Lex LICINIA CASSIA*, A. 422, that the legionary tribunes should not be chosen that year by the people, but by the consuls and prætors, Liv. xlii. 31.

*Lex LICINIA SEXTIA*, A. 377, about debt, that what had been paid for the interest (*quod usuris pernumeratum esset*) should be

\* “The public lands which had not been granted to individuals in perpetuity, were let upon lease, and many great families having accumulated large portions of these demesnes on terms, we may presume, of favour, great jealousy was thereby created among the plebeians, in consequence of which this law was passed. This ordinance, commonly known as the *Agrarian Law*, has been generally interpreted into a restriction of all landed estates to the amount already mentioned; and it is not a little extraordinary that some of the most acute writers of the age have fallen into that popular error. [Montesquieu, Adam Smith, Ferguson.] The injustice of a law which would thus not only prevent the accumulation of property, but would have deprived the owners of what they had already acquired, is of itself sufficiently glaring; added to which, as many of the plebeians were themselves in possession of large estates, it could not have been their interest to demand its enactment; but, independently of this reasoning, the fact is, that its provisions only reached the public lands, and never interfered with private property.” — *Sketches of the Institutions, &c. of the Romans*, p. 95.

deducted from the capital, and the remainder paid in three years by equal portions, *Liv.* vi. 35. That instead of *Duumviri* for performing sacred rites, *Decemviri* should be chosen; part from the patricians, and part from the plebeians, *Liv.* vi. 11. That one of the consuls should be created from among the plebeians, *ibid.* vi. 35. See p. 107.

*Lex* LICINIA JUNIA, or *Junia et Licinia*, by the two consuls, A. 691, enforcing the *Lex Cæcilia Didia*, *Cic.* in *Vat.* 4.; whence both laws are often joined, *Cic. Phil.* v. 3. *pro Sext.* 64. *Att.* ii. 9. iv. 16.

*Lex* LICINIA MUCIA, A. 658, that no one should pass for a citizen who was not so, *Cic. Off.* iii. 11. *pro Balb.* 21. 24.; which was one principal cause of the Italic or Marsic wars, *Ascon. in Cic. pro Cornel.* \*

*Leges* LIVIÆ, proposed by M. Livius Drusus, a tribune, A. 662, about transplanting colonies to different places in Italy and Sicily, and granting corn to poor citizens at a low price; also that the *judices* should be chosen indifferently from the senators and *equites*, and that the allied states of Italy should be admitted to the freedom of the city.

Drusus was a man of great eloquence, and of the most upright intentions; but endeavouring to reconcile those whose interests were diametrically opposite, he was crushed in the attempt; being murdered by an unknown assassin at his own house, upon his return from the Forum, amidst a number of clients and friends. No inquiry was made about his death. The states of Italy considered this event as a signal of revolt, and endeavoured to extort by force what they could not obtain voluntarily. Above 300,000 men fell in the contest in the space of two years. At last the Romans, although upon the whole they had the advantage, were obliged to grant the freedom of the city, first to their allies, and afterwards to all the states of Italy, *Appian. de Bell. Civ.* i. 373, &c. *Vell. Pat.* ii. 15. *Liv. Epit.* 71. *Cic. Brut.* 28. 49. 62. *pro Rabir.* 7. *Planc.* 14. *Dom.* 19.

This Drusus is also said to have got a law passed for mixing an eighth part of brass with silver, *Plin.* xxxiii. 33.

But the laws of Drusus (*leges Liviae*), as Cicero says, were soon abolished by a short decree of the senate, (*uno versiculo senatus puncto temporis sublatae sunt*, *Cic. de Legg.* ii. 6. *Decrevit enim senatus, Philippo cos. referente, CONTRA AUSPICIA LATAS VIDERI*).

Drusus was grandfather to Livia, the wife of Augustus, and mother of Tiberius.

*Lex* LUTATIA, *de vi*, by Q. Lutatius Catulus, A. 675, that a person might be tried for violence on any day, *Cic. pro Cæl.* i. 29. festivals not excepted, on which no trials used to be held, *Cic. Act. in Verr.* 10.

\* Many of the Italians, though not really Roman citizens, had hitherto acted as if they were entitled to the privileges of citizenship. The new law imported that no man, who could not produce a just title to Roman citizenship, should be admitted to act as such; and that even those, who were born at Rome, if they had no other claim to citizenship, should be sent into the countries of their respective families. The Social War, of which this regulation was the principal cause, broke out about three years after.



**Lex MÆNIA**, by a tribune, A. 467, that the senate should ratify whatever the people enacted, *Cic. in Brut.* 14. See p. 18.

**Lex MAJESTATIS**, for punishing any crime against the people, and afterwards against the emperor, *Cornelia*, &c. *Cic. in Pis.* 21. *Tacit. Ann.* [i. 72.] iv. 34.

**Lex MAMILIA**, *de limitibus vel de regundis finibus agrorum*, for regulating the bounds of farms; whence the author of it, C. Mamilius, a tribune, A. 642, got the surname of **LIMITANUS**. It ordained, that there should be an uncultivated space of five feet broad left between farms; and if any dispute happened about this matter, that arbiters should be appointed by the prætor to determine it. The law of the Twelve Tables required three, *Cic. de Legg.* i. 21.

— Another, by the same person, for punishing those who had received bribes from Jugurtha, *Sall. Jug.* 40.

**Lex MANILIA**, for conferring on Pompey the command of the war against Mithridates, proposed by the tribune C. Manilius, A. 687, and supported by Cicero when prætor, *de Leg. Manil.*, and by Cæsar, from different views; but neither of them was actuated by laudable motives, *Dio.* xxxvi. 26.

— Another, by the same, that freedmen might vote in all the tribes, *Cic. pro Mur.* 23., whereas formerly they voted in some one of the four city tribes only. (See p. 91.) But this law did not pass, *Ascon. in Cic. pro Cornel.*

**Leges MANILIANÆ venalium vendendorum**, not properly laws, but regulations to be observed in buying and selling, to prevent fraud, *Cic. de Orat.* i. 5. 58., called by Varro, **ACTIONES**, *de Re Rust.* ii. 5. 11. They were composed by the lawyer Manilius, who was consul, A. 603.

The formalities of buying and selling were by the Romans used in their most solemn transactions; as, in *emancipation* and *adoption*, *marriage* and *testaments*, in *transferring property*, &c,

**Lex MANLIA**, by a tribune, A. 558, about creating the *Triumviri Epulones*, *Liv.* xxxiii. 42. *Cic. de Orat.* iii. 19.

— *de VICESIMA*, by a consul, A. 396, *Liv.* vii. 16. See p. 62.

**Lex MARCIA**, by Marcus Censorinus, that no one should be made a censor a second time, *Plutarch. in Coriol.*

— *de Statiellatibus vel Statiellis*, that the senate upon oath should appoint a person to inquire into and redress the injuries of the *Statielli*, or *-ates*, a nation of Liguria, *Liv.* xlii. 21.

**Lex MARIA**, by C. Marius, when tribune, A. 634, about making the entrances to the *Ovilia* (*pontes*) narrower, *Cic. de Legg.* iii. 17.

**Lex MARIA PORCIA**, by two tribunes, A. 691, that those commanders should be punished, who, in order to obtain a triumph, wrote to the senate a false account of the number of the enemy slain in battle, or of the citizens that were missing; and that when they returned to the city, they should swear before the city quæstors to the truth of the account which they had sent, *Valer. Max.* ii. 8. 1.

**Lex MEMMIA vel REMMIA**: by whom it was proposed, or in what year, is uncertain. It ordained, that an accusation should not be admitted against those who were absent on account of the public, *Valer. Max.* iii. 7. 9. *Suet. Jul.* 23. And if any one was convicted

of false accusation (*calumniæ*), that he should be branded on the forehead with a letter, *Cic. pro Rosc. Am.* 19, 20., probably with the letter K, as anciently the name of this crime was written KALUMNIA.\*

*Lex MENENIA*, A. 302, that, in imposing fines, a sheep should be estimated at ten *asses*, and an ox at one hundred, *Festus in PR-CULATUS*.

*Lex MENSIA*, that a child should be held as a foreigner, if either of the parents was so. But if both parents were Romans and married, children always obtained the rank of the father (*patrem sequuntur liberi*, *Liv.* iv. 4.) and if unmarried, of the mother, *Ulpian*.

*Lex METILIA*, by a tribune, A. 516, that Minucius, master of horse, should have equal command with Fabius the Dictator, *Liv.* xxii. 25, 26.

— Another, as it is thought by a tribune, A. 535, giving directions to fullers of cloth; proposed to the people at the desire of the censors, (*quam C. Flaminius, L. Æmilius censores dedere ad populum ferendam*), *Plin.* xxxv. 17. s. 57.

4. — Another, by Metellus Nepos, a prætor, A. 694, about freeing Rome and Italy from taxes (*τέλη, vectigalia*), *Dio.* xxxvii. 51., probably those paid for goods imported (*portorium*), *Cic. Att.* ii. 16.

*Leges MILITARES*, regulations for the army. By one of these it was provided, that if a soldier was by chance enlisted into a legion, commanded by a tribune whom he could prove to be inimical to him, he might go from that legion to another, *Cic. pro Flacco*, 32.

*Lex MINUCIA de triumviris mensariis*, by a tribune, A. 537, about appointing bankers to receive the public money, *Liv.* xxxiii. 21.

*Leges NUMÆ*, laws of King Numa, mentioned by different authors: — That the gods should be worshipped with corn and a salted cake (*fruge et salsa mola*), *Plin.* xviii. 2.: That whoever knowingly killed a free man should be held as a parricide, *Festus in QUÆSTORES PARRICIDII*: That no harlot should touch the altar of Juno; and if she did, that she should sacrifice an ewe lamb to that goddess with dishevelled hair, *Id. in PELLICES*, *Gell.* iv. 3.: That whoever removed a landmark should be put to death (*qui terminum exarasset, et ipsum et boves sacros esse*), *Fest. in TERMINO*: That wine should not be poured on a funeral pile, *Plin.* xiv. 12. &c.

*Lex OCTAVIA frumentaria*, by a tribune, A. 633, abrogating the *Sempronian* law, *Cic. in Brut.* 62., and ordaining, as it is thought, that corn should not be given at so low a price to the people. It is greatly commended by Cicero, *Off.* ii. 21.

*Lex OGULNIA*, by two tribunes, A. 453, that the number of the *pontifices* should be increased to eight, and of the augurs to nine: and that four of the former, and five of the latter, should be chosen from among the plebeians, *Liv.* x. 6. 9.

*Lex OPIA*, by a tribune, A. 540, that no woman should have in her dress above half an ounce of gold, nor wear a garment of different colours, nor ride in a carriage in the city or in any town, or within a

\* The emperor Trajan ordered, that the punishment of calumny should be according to the *lex talionis*; that is to say, the same which the accused was to have suffered if the accuser had made good his charge.

mile of it, unless upon occasion of a public sacrifice, *Liv.* xxxiv. 1. *Tacit. Ann.* iii. 33.\*

*Lex OPTIMA*, a law was so called which conferred the most complete authority, *Festus in voce*, as that was called *optimum jus* which bestowed complete property.

*Lex ORCHIA*, by a tribune, A. 566, limiting the number of guests at an entertainment, *Fest. in OPSONITAVERE*, *Macrob. Sat.* ii. 13.

*Lex OVINIA*, that the censors should choose the most worthy of all ranks into the senate†, *Festus in PRÆTERITI SENATORES*. Those who had borne offices were commonly first chosen; and that all these might be admitted, sometimes more than the limited number were elected, *Dio.* xxxvii. 46.

*Lex PAPIA*, by a tribune, A. 688, that foreigners should be expelled from Rome, and the allies of the Latin name forced to return to their cities, *Cic. Off.* iii. 11. *pro Balb.* 23. *Arch.* 5. *Att.* iv. 16. *Dio.* xxxvii. 9.

*Lex PAPIA POPPÆA*, about the manner of choosing (*capiendi*) Vestal virgins, *Gell.* i. 12. The author of it, and the time when it passed, are uncertain.

*Lex PAPIA POPPÆA de maritandis ordinibus* ‡, proposed by the consuls Papius and Poppæus §, at the desire of Augustus, A. 762, enforcing and enlarging the *Julian* law, *Tacit. Ann.* [ii. 51.] iii. 25. 28. [xv. 19.] The end of it was to promote population, and repair the desolation occasioned by the civil wars. It met with great opposition from the nobility, and consisted of several distinct particulars (*Lex SATURA*). It proposed certain rewards to marriage, and penalties against celibacy, which had always been much discouraged in the Roman state ||, *Val. Max.* ii. 9. *Liv.* xlv. 15. *Epit.* 59. *Suet. Aug.* 34. [44.] 89. *Dio.* lvi. 3, 4. *Gell.* i. 6. v. 19., and yet greatly prevailed, *ibid.* & *Plin.* xiv. *Proem. Senec. consol. ad Marc.* 19., for reasons enumerated. *Plaut. Mil.* iii. 185. 111. &c. Whoever in the city had three children, in the other parts of Italy four, and in the provinces five, was entitled to certain privileges and immunities. Hence the famous *JUS TRIUM LIBERORUM*, so often mentioned by Pliny, Martial, &c. which used to be granted also to those who had no children, first by the senate, and afterwards by the emperor, *Plin.*

\* “The victories of L. Scipio and Pompey, by first introducing at Rome ‘gems, pearls, and garments inwrought with gold, couches overlaid with brass, and services of silver, curiously embossed’ (*Plin. H. N.* xxxvii. 1.), must immediately have heightened the splendour of entertainments and attire, to a degree, which rendered all such laws, as those limiting the sums to be expended on feasts, and restricting the extravagance of female decoration, not only nugatory, but ridiculous. Many of the laws on this subject are collected by Aulus Gellius, *Noct. Att.* ii. 24.” *Anstice's Prize Essay*, p. 46.

† “The words of Festus are, *ex omni ordine*: i. e. out of the whole order (from the *curies*, without regard to any particular *gens*), not out of all the orders. There were but two of them.” — *Nieb.* i. p. 462.

‡ “The Papian law prohibited a senator or his son, to marry a freedwoman, or daughter of a freedman.” — *Blair*, p. 179.

§ It is singular that these persons were themselves both unmarried.

|| Fines were first levied on unmarried men about the year of Rome 350. In the year 518, the censors obliged all such to pledge themselves by an oath to marry within a certain time.

*Ep.* i. 13. x. 2. 96. *Martial.* ii. 91, 92. not only to men, but likewise to women, *Dio.* lv. 2. *Suet. Claud.* 19. *Plin. Ep.* ii. 13. vii. 16. x. 2. 95, 96. The privileges of having three children were, an exemption from the trouble of guardianship, a priority in bearing offices, *Plin. Ep.* viii. 16., and a treble proportion of corn. Those who lived in celibacy could not succeed to an inheritance, except of their nearest relations, unless they married within 100 days after the death of the testator; nor receive an entire legacy (*legatum omne vel solidum capere*). And what they were thus deprived of, in certain cases fell as an escheat (*caducum*) to the exchequer (*fisco*) or prince's private purse, *Juvenal.* ix. 88. &c.\*

*Lex PAPIRIA*, by a tribune, A. 563, diminishing the weight of the *as* one half, *Plin.* xxxiii. 3.

— by a prætor, A. 421, granting the freedom of the city, without the right of voting, to the people of Acerra, *Liv.* viii. 17.

— by a tribune, the year uncertain, that no edifice, land, or altar, should be consecrated without the order of the people, *Cic. pro Dom.* 49.

— A. 325, about estimating fines, *Liv.* iv. 30., probably the same with *Lex MENENIA*.

— that no one should molest another without cause, *Fest. in SACRAMENTUM*.

— by a tribune, A. 621, that tablets should be used in passing laws, *Cic. de Legg.* iii. 16.

— by a tribune, A. 623, that the people might re-elect the same person tribune as often as they chose; but it was rejected, *Cic. de Amic.* 25. *Liv. Epit.* 59.†

Instead of *Papirius*, they anciently wrote *Papisius*, *Cic. Fam.* ix. 21. So *Valesius* for *Valerius*, *Auselius* for *Aurelius*, &c., *Varro de Lat. Ling.* i. 6. *Festus. Quinctil.* i. 4. Ap. Claudius is said to have invented the letter R, probably from his first using it in these words, *D.* i. 2. 2. 36.

*Lex PEDIA*, by Pedius the consul, A. 710, decreeing banishment against the murderers of Cæsar, *Vell. Pat.* ii. 69.

*Lex PEDUCÆA*, by a tribune, A. 640, against incest, *Cic. de Nat. Deor.* iii. 30.

*Lex PERSOLONIA*, or *Pisulania*, that if a quadruped did any hurt, the owner should either repair the damage, or give up the beast, *Paull. Sent.* i.

*Lex PÆTELIA de ambitu*, by a tribune, A. 397, that candidates should not go round to fairs and other public meetings, for the sake of canvassing, *Liv.* vii. 15.

\* If we may conjecture from the passage in Juvenal, a married man could not take a legacy *entire*, unless he had children: —

“*Jam pater es* ———

*Legatum omne capis, necnon et dulce caducum.*”

*Caducum* was a legacy left upon a condition, as of a man's having children or the like; on failure of which, it fell to some person whom the testator appointed heir, in the room of the first legatee. This, says Madan, was something like what we call a “*windfall*.” Plutarch observes, that “several of the Romans did not marry for the sake of heirs to their own fortunes; but that they themselves might, on this account, be capable of inheriting the estates of other men.” (*περὶ φιλοστοργίας.*)

† “*Cic. Catil.* iv. 2. *Tib. Gracchus* qui iterum *Tribunus Plebis* fieri voluit.”—T.

*Lex PÆTELIA de Nexis*, by the consuls, A. 429, that no one should be kept in fetters or in bonds, but for a crime that deserved it, and that only till he suffered the punishment due by law: That creditors should have a right to attach the goods, and not the persons, of their debtors, *Liv. viii. 28.\**

— *de PÆCULATU*, by a tribune, A. 566, that inquiry should be made about the money taken or exacted from King Antiochus and his subjects, and how much of it had not been brought into the public treasury, *Liv. xxxviii. 54.*

*Lex PETREIA*, by a tribune, A. 668, that mutinous soldiers should be decimated, i. e. that every tenth man should be selected by lot for punishment, *Appian. de Bell. Civ. ii. p. 457.*

*Lex PETRONIA*, by a consul, A. 813, prohibiting masters from compelling their slaves to fight with wild beasts, *Modestin. ad Leg. Cornel. de sicar.*

*Lex PINARIA ANNALIS*, by a tribune, A. 622. What it was is uncertain, *Cic. de Orat. ii. 65.*

*Lex PLAUTIA vel PLOTIA*, by a tribune, A. 664, that the *judices* should be chosen both from the senators and *equites*; and some also from the plebeians. By this law each tribe chose annually fifteen (*quinos denos suffragio creabant*) to be *judices* for that year, in all 525. Some read *quinos creabant*: thus making them the same with the *CENTUMVIRI*, *Ascon. in Cic. pro Cornel.*

— *PLOTIA de vi*, against violence, *Cic. pro Mil. 13. Fam. viii. 8.*

*Lex POMPEIA de vi*, by Pompey, when sole consul, A. 701, that an inquiry should be made about the murder of Clodius on the Appian way, the burning the senate-house, and the attack made on the house of M. Lepidus the interrex, *Cic. pro Mil. et Ascon.*

— *de AMBITU*, against bribery and corruption in elections, with the infliction of new and severer punishments, *ibid. Dio. xxxix. 37. xl. 52. [See p. 106.]*

By these laws the method of trial was altered, and the length of them limited. Three days were allowed for the examination of witnesses, and the fourth for the sentence; on which the accuser was to have two hours only to enforce the charge; the criminal three for his

\* We extract the following remarks from Spanheim on this subject: — “It is to be observed, that before the *cessio bonorum* granted to debtors by the *Julian* law, a *proscriptio bonorum*, or a public sale of their goods in favour of the creditors, by an edict of the prætor, had supplanted the old decemviral law. So Tertullian. ‘There did exist laws which authorised the creditors to cut in pieces the body of the debtor; afterwards, however, this cruelty was abolished, and the capital punishment was exchanged for a mark of disgrace, *bonorum adhibitâ proscriptione*.’ (Apol. c. iv.) From whence it appears that the decemviral law *de nexu vel sectione debitorum* was abolished, and at the same time the law *de proscriptione bonorum* had been substituted in its stead, viz. ‘that creditors should have a right to attach the goods and not the persons of their debtors’ (‘*pecuniæ creditæ bona debitoris, non corpus obnoxium esse*,’ *Liv. viii. 28.*). After this the ‘*cessio bonorum*’ was introduced by Julius Cæsar, which was not attended with the same degree of infamy as the *proscriptio bonorum*, and which exempted debtors from the public prison (hitherto only exempted a *privato creditorum nexu et carcere* by the Pætelian law); or, as Alexander Severus expresses it, ‘*Ne pedicati detrahantur in carcerem*;’ because, as it is phrased in a law of Constantine, ‘*Carcer pœnarium, carcer hominum noxiorum est*.’” — *Orbis Romanus*, p. 562, 563. 2d ed.

defence, *ibid.* This regulation was considered as a restraint on eloquence, *Dialog. de Orator.* 38. [*“Cic. in Bruto. § 94.”—T.*]

*Lex POMPEIA judiciaria*, by the same person; retaining the *Aurelian* law, but ordaining that the *judices* should be chosen from among those of the highest fortune (*ex amplissimo censu*) in the different orders, *Cic. in Pis.* 39. *Phil.* i. 8. *Ascon. in Cic.*—*Quum in iudice et fortuna spectari deberet, et dignitas*, *Cic. Phil.* i. 20.

— *de COMITIIS*, that no one should be allowed to stand candidate for an office in his absence. In this law Julius Cæsar was expressly excepted, *Suet. Jul.* 28. *Dio.* xl. 66. *Appian. de Bell. Civ.* ii. p. 442. *Cic. Att.* viii. 3. *Phil.* ii. 10.

— *de repetundis*, *Appian. B. Civ.* ii. 441.—*De parricidis*, l. i. Dig.

The regulations which Pompey prescribed to the Bithynians were also called *Lex POMPEIA*, *Plin. Ep.* x. 83. 113. 115.

*Lex POMPEIA de civitate*, by Cn. Pompeius Strabo, the consul, A. 665, granting the freedom of the city to the Italians and the *Galli Cispadani*, *Plin.* iii. 20.

*Lex POPILIA*, about choosing the Vestal virgins, *Gell.* i. 12.

*Lex PORCIA*, by P. Porcius Læca, a tribune, A. 454, that no one should bind, scourge, or kill a Roman citizen, *Liv.* x. 9. *Cic. pro Rabir. perd.* 3. 4. *Verr.* v. 63. *Sallust. Cat.* 51.\*

*Lex PUBLICIA*, vel *Publicia de lusu*, against playing for money at any game but what required strength, as *shooting, running, leaping, &c.* l. 3. D. *de Aleat.*

*Lex PUBLILIA*, See p. 18. 91.

*Lex PUPIA*, by a tribune, that the senate should not be held on *comitial* days, *Cic. ad Fratr.* ii. 2. 13., and that, in the month of February, their first attention should be paid to the hearing of embassies, *Cic. Fam.* i. 4.

*Lex QUINCTIA*, A. 745, about the punishment of those who hurt or spoiled the aquæducts or public reservoirs of water. (*Frontin. de Aquæduct.*)

*Lex REGIA*, conferring supreme power on Augustus. See p. 22.

*Lex REMMIA*. See *Lex MEMMIA*.

*Leges REGIÆ*, laws made by the kings, *Cic. Tusc. Quæst.* iii. 1., which are said to have been collected by Papirius, or, as it was anciently written, Papisius, *Cic. Fam.* ix. 21., soon after the expulsion of Tarquin, *Dionys.* iii. 36., whence they were called *jus civile PAPIRIANUM*; and some of them, no doubt, were copied into the Twelve Tables.

*Lex RHODIA*, containing the regulations of the Rhodians con-

\* It is not known with certainty by whom the Porcian laws were proposed, nor at what period they were enacted. It appears from Cicero (*de Rep.* ii. 31.) that they were three in number, brought forward by three different members of the Porcian family; but whether of the family of Porcius Læca, or Porcius Cato, is still undecided. However, it is sufficiently known, that these laws confirmed the right of appeal to the people, and forbade, under heavy penalties, that any Roman citizen should be scourged or put to death, of whatever crime he might have been guilty, if we except, perhaps, the wilful murder of a parent. Thus the greatest punishment that could be legally inflicted at Rome, was simple banishment, till Cæsar, in his dictatorship, added the forfeiture of all property in the case of those convicted of wilful murder, and the half of it for all other offences. *Suet. Cæs.* 42. See *Encycl. Metr. P.* xiv. p. 366.



cerning naval affairs (which Cicero greatly commends, *pro Leg. Manil.* 18. and Strabo, *lib.* 14.) supposed to have been adopted by the Romans. But this is certain only with respect to one clause, *de jactu*, about throwing goods overboard in a storm.

*Leges de REPETUNDIS*; *Acilia*, *Calpurnia*, *Cæcilia*, *Cornelia*, *Julia*, *Junia*, *Pompeia*, *Servilia*.

*Lex ROSCIA theatralis*, determining the fortune of the *equites*, and appointing them certain seats in the theatre (see p. 23.) *Cic. pro Muren.* 19. *Juvenal.* xiv. 323. *Liv. Epit.* 99. *Mart.* v. 8. *Dio.* xxxvi. 25. By this law a certain place in the theatre was assigned to spendthrifts (*decoctoribus*), *Cic. Phil.* ii. 18. The passing of this law occasioned great tumults, which were allayed by the eloquence of Cicero the consul, *Cic. Att.* ii. 1. *Plut. in Cic.*, to which Virgil is supposed to allude, *Æn.* i. 125.

*Lex RUPILIA*, or more properly *decretum*, containing the regulations prescribed to the Sicilians by the prætor Rupilius, with the advice of ten ambassadors, *Cic. Verr.* ii. 13. 15., according to the decree of the senate, *id.* 16.

*Leges SACRATÆ*. Various laws were called by that name, chiefly those concerning the tribunes, made on the *Mons sacer*, *Cic. pro Cornel.*, because the person who violated them was consecrated to some god, *Festus. Cic. de Off.* iii. 31. *pro Balb.* 14. 15. *Legg.* ii. 7. *Liv.* ii. 8. iii. 54, 55. xxxix. 5. There was also a *LEX SACRATA MILITARIS*, that the name of no soldier should be erased from the muster-roll without his own consent, *Liv.* vii. 41. So among the *Æqui* and *Volsci*, *Liv.* iv. 26., the *Tuscans*, ix. 39., the *Ligures*, *Liv.* xxxvi. 3., and particularly the *Samnites*, ix. 33., among whom those were called *Sacrati milites* who were enlisted by a certain oath, and with particular solemnities, x. 48.

[*Lex SÆNIA*, A. 724, about supplying the senate, *Tac. Ann.* xi. 25. See *Brotier.*]

*Lex SATURA* was a law consisting of several distinct particulars of a different nature, which ought to have been enacted separately, *Festus.*

*Lex SCATINIA*, vel *Scantinia*, *de nefandâ venere*, by a tribune, the year uncertain, against illicit amours, *Cic. Fam.* viii. 14. *Phil.* iii. 6. *Juvenal.* ii. 43. The punishment at first was a heavy fine, *Quinctil.* iv. 2. vii. 4. *Suet. Domit.* 8., but it was afterwards made capital.

*Lex SCRIBONIA*, by a tribune, A. U. 601, about restoring the *Lusitani* to freedom. *Liv. Epit.* 49. *Cic. in Brut.* 23.

— Another, *de servitutum usucapionibus*, by a consul under Augustus, A. 719, that the right of servitudes should not be acquired by prescription, *l.* 4. *D. de Usucap.*, which seems to have been the case in the time of Cicero, *pro Cæcin.* 26.

*Leges SEMPRONIÆ*, laws proposed by the Gracchi, *Cic. Phil.* i. 7.

1. *TIB. GRACCHI AGRARIA*, by Tib. Gracchus, A. 620, that no one should possess more than 500 acres of land; and that three commissioners should be appointed to divide among the poorer people what any one had above that extent, *Liv. Epit.* 58. *Plut. in Gracch.* p. 837. *Appian. de Bell. Civ.* i. 355. [Compare the *Lex Licinia.*]

— *de CIVITATE ITALIS DANDA*, that the freedom of the state should be given to all the Italians, *Paterc.* ii. 2, 3.

— *de HÆREDITATE ATTALI*, that the money which Attalus

had left to the Roman people, should be divided among those citizens who possessed lands, to purchase the instruments of husbandry, *Liv. Epit. 58. Plut. in Gracch.*

These laws excited great commotions, and brought destruction on the author of them. Of course they were not put in execution, *ibid.*

2. C. GRACCHI FRUMENTARIA, A. 628, that corn should be given to the poor people at a *triens* and a *semis*, or at  $\frac{1}{2}$  of an *AS* a *modius* or peck; and that money should be advanced from the public treasury to purchase corn for that purpose. The granaries in which this corn was kept were called HORREA SEMPRONIA, *Cic. pro Sext. 44. Tuscul. Quæst. iii. 20. Brut. 62. Off. ii. 21. Liv. Epit. 58. 60.* [Compare the *Lex Cassia Frumentaria.*]

*Note.* A *triens* and *semis* are put for a *dextans*, because the Romans had not a coin of the value of a *dextans*.

— *de PROVINCIIS*, that the provinces should be appointed for the consuls every year before their election, *Cic. de Prov. Cons. 2. pro Balb. 27. Dom. 9. Fam. i. 7.*

— *de CAPITE CIVIUM*, that sentence should not be passed on the life of a Roman citizen without the order of the people, *Cic. pro Rabir. 4. Verr. v. 63. in Cat. iv. 5.*

— *de MAGISTRATIBUS*, that whoever was deprived of his office by the people, should ever after be incapable of enjoying any other, *Plutarch. in Gracch.*

— *JUDICIARIA*, that the *judices* should be chosen from among the *equites*, and not from the senators as formerly, *Appian. de Bell. Civ. i. 363. Dio. xxxvi. 88. Cic. Verr. i. 13.*

— Against corruption in the *judices* (*NEQUIS JUDICIO CIRCUMVENIRETUR*), *Cic. pro Cluent. 55.* Sylla afterwards included this in his law *de falso*.

— *de CENTURIIS EVOCANDIS*, that it should be determined by lot in what order the centuries should vote, *Sallust. ad Cæs. de Rep. Ord.* See p. 85.

— *de MILITIBUS*, that clothes should be afforded to soldiers by the public, and that no deduction should be made on that account from their pay; also, that no one should be forced to enlist below the age of seventeen, *Plutarch. in Gracch.*

— *de VIIS MUNIENDIS*, about paving and measuring the public roads, making bridges, placing milestones, and, at smaller distances, stones to help travellers to mount their horses, *ibid.*, for it appears the ancient Romans did not use stirrups; and there were wooden horses placed in the *Campus Martius*, where the youth might be trained to mount and dismount readily, *Veget. i. 18.* Thus Virgil, *Corpora saltu subjiciunt in equos, Æn. xii. 288.*

Caius Gracchus first introduced the custom of walking or moving about while haranguing the people, and of exposing the right arm bare, *Dio. Fragm. xxxiv. 90.*, which the ancient Romans, as the Greeks, used to keep within their robe (*veste continere*), *Quinctil. xi. 3. 138.*

*Lex SEMPRONIA de fœnore*, by a tribune, long before the time of the Gracchi, A. 560, that the interest of money should be regulated by the same laws among the allies and Latins, as among Roman citizens. The cause of this law was, to check the fraud of usurers, who

lent their money in the name of the allies (*in socios nomina transcribebant*), at higher interest than was allowed at Rome, *Liv.* xxxv. 7.

*Lex* SERVILIA AGRARIA, by P. Servilius Rullus, a tribune, A. 690, that ten commissioners should be created with absolute power for five years, over all the revenues of the republic; to buy and sell what lands they thought fit, at what price and from whom they chose, to distribute them at pleasure to the citizens, to settle new colonies wherever they judged proper, and particularly in Campania, &c. But this law was prevented from being passed by the eloquence of Cicero the consul, *Cic. in Rull. — in Pis.* 2.

— *de* CIVITATE, by C. Servilius Glaucia, a prætor, A. 653, that if any of the Latin allies accused a Roman senator, and got him condemned, he should obtain the same place among the citizens which the criminal had held, *Cic. pro Balb.* 24.

— *de* REPETUNDIS, by the same person, ordaining severer penalties than formerly against extortion, and that the defendant should have a second hearing (*ut reus comperendinaretur*), *Cic. Verr.* i. 9. *Rabir. Posthum.* 4.

— SERVILIA JUDICIARIA, by Q. Servilius Cæpio, A. 647, that the right of judging, which had been exercised by the *equites* alone for seventeen years, according to the *Sempronian* law, should be shared between the senators and *equites*, *Cic. Brut.* 43, 44. 86. *de Orat.* ii. 55. *Tacit. Ann.* xii. 60.

*Lex* SICINIA, by a tribune, A. 662, that no one should contradict or interrupt a tribune while speaking to the people, *Dionys.* vii. 17.

*Lex* SILIA, by a tribune, about weights and measures, *Festus, in PUBLICA PONDERA.*

*Lex* SILVANI et CARBONIS, by two tribunes, A. U. 664, that whoever was admitted as a citizen by any of the confederate states, if he had a house in Italy when the law was passed, and gave in his name to the prætor (*apud prætorem profiteretur*), within sixty days, should enjoy all the rights of a Roman citizen, *Cic. pro Arch.* 4.

*Lex* SULPICIA SEMPRONIA, by the consuls, A. 449, that no one should dedicate a temple or altar without the order of the senate, or a majority of the tribunes, *Liv.* ix. 46.

*Lex* SULPICIA, by a consul, A. 553, ordering war to be proclaimed on Philip king of Macedon, *Liv.* xxxi. 6.

*Leges* SULPICIÆ *de ære alieno*, by the tribune, Serv. Sulpicius, A. 665, that no senator should contract debt above 2000 *denarii*: that the exiles who had not been allowed a trial, should be recalled: that the Italian allies, who had obtained the right of citizens, and had been formed into eight new tribes, should be distributed through the thirty-five old tribes: also, that the manumitted slaves (*cives libertini*) who used formerly to vote only in the four city tribes, might vote in all the tribes: that the command of the war against Mithridates should be taken from Sylla, and given to Marius, *Plutarch. in Sylla et Mario. Liv. Epit.* 77. *Ascon. in Cic. Paterc.* ii. 18.

But these laws were soon abrogated by Sylla, who, returning to Rome with his army from Campania, forced Marius and Sulpicius, with their adherents, to flee from the city. Sulpicius, being betrayed by a slave, was brought back and slain. Sylla rewarded the slave

with his liberty, according to promise; but immediately after ordered him to be thrown from the Tarpeian rock for betraying his master, *ibid.*

*Leges SUMPTUARIÆ; Orchia, Fannia, Didia, Licinia, Cornelia, Æmilia, Antia, Julia.*

*Leges TABELLARIÆ*, four in number. See p. 86.

*Lex TALARIA*, against playing at dice at entertainments, (*ut ne legi fraudem faciam talariae*, that I may not break, &c.) *Plaut. Mil. Glor.* ii. 2. 9.

*Lex TERENCE et CASSIA frumentaria.* See *Lex Cassia*.

*Lex TERENCE*, by a tribune, A. 291, about limiting the powers of the consuls. It did not pass; but after great contentions gave cause to the creation of the *decemviri*, *Liv.* iii. 9, 10. &c.

*Leges TESTAMENTARIÆ; Cornelia, Furia, Voconia.*

*Lex THORIA de vectigalibus*, by a tribune, A. 646, That no one should pay any rent to the people for the public lands in Italy which he possessed (*agrum publicum vectigali levavit*), *Cic. Brut.* 36. It also contained certain regulations about pasturage, *de Orat.* ii. 70. But Appian gives a different account of this law, *de Bell. Civ.* i. p. 366.

*Lex TITIA de quæstoribus*, by a tribune, as some think, A. 448, about doubling the number of quæstors, and that they should determine their provinces by lot, *Cic. pro Muren.* 8.

— *de MUNERIBUS*, against receiving money or presents for pleading. *Auson. Epigr.* 89. *Tacit. Annal.* xi. 13., where some read, instead of *Cinciam*, *Titiam*.

— *AGRARIA*: what it was is not known, *Cic. de Orat.* ii. 11. *de Legg.* ii. 6. 12.

— *de LUSU*, similar to the *Publician* law.

— *de TUTORIBUS*, A. 722, the same with the *Julian* law, and, as some think, one and the same law, *Justin. Instit. de Atil. Tut.*

*Lex TREBONIA*, by a tribune, A. 698, assigning provinces to the consuls for five years: Spain to Pompey; Syria and the Parthian war to Crassus; and prolonging Cæsar's command in Gaul for an equal time, *Dio.* xxxix. 33. Cato, for opposing this law, was led to prison, *Liv. Epit.* 104. According to Dio, he was only dragged from the assembly, xxxix. 34.

— *de TRIBUNIS*, A. 305, *Liv.* iii. 64, 65. See p. 121.

*Lex TRIBUNITIA*, either a law proposed by a tribune, *Cic. in Rull.* ii. 8. *Liv.* iii. 56., or the law restoring their power, *Cic. Actio prim. in Verr.* 16.

*Lex TRIUMPHALIS*, That no one should triumph who had not killed 5000 of the enemy in one battle, *Valer. Max.* ii. 8.

*Lex TULLIA de AMBITU*, by Cicero, when consul, A. 690, adding to the former punishments against bribery, banishment for ten years, *Dio.* xxxvii. 29. — and, That no one should exhibit shows of gladiators for two years before he stood candidate for an office, unless that task was imposed on him by the testament of a friend, *Cic. Vat.* 15. *Sext.* 64. *Mur.* 32. 34. &c.\*

\* Notwithstanding all these laws against bribery, Cicero, nine years afterwards, complains, that bribery was never carried on so high as at that time, by the consular candidates Memmius, Domitius Scaurus, Messala; that they were all alike, for money levelled the dignity of them all; that above eighty thousand pounds was pro-

*Lex de LEGATIONE LIBERA*, limiting the continuance of it to a year, *Cic. de Legg.* iii. 8.\*

*Lex VALERIA de provocatione.* See p. 101.

— *de FORMIANIS*, A. 562, about giving the people of Formiæ the right of voting, *Liv.* xxxviii. 36.

— *de SULLA*, by L. Valerius Flaccus, interrex, A. 671, creating Sulla dictator, and ratifying all his acts; which Cicero calls the most unjust of all laws, *Cic. pro Rull.* iii. 2. *S. Rosc.* 43. *de Legg.* i. 15.

— *de QUADRANTE*, by L. Valerius Flaccus, consul, A. 667, That debtors should be discharged on paying one fourth of their debts, *Paterc.* ii. 23. [*Valerius Flaccus, turpissimæ legis auctor.*] See p. 45.

*Lex VALERIA HORATIA de tributis comitiis*, see p. 18. *De tribunis*, against hurting a tribune, *Liv.* iii. 55.

*Lex VARIA*, by a tribune, A. 662, That inquiry should be made about those by whose means or advice the Italian allies had taken up arms against the Roman people, *Cic. Brut.* 56. 89. *Tusc. Quæst.* ii. 24. *Valer. Max.* v. 2.

*Lex VATINIA de PROVINCIIS.* See p. 106.

— *de alternis consiliis rejiciendis*, That, in a trial for extortion, both the defendant and accuser might for once reject all the *judices* or jury; whereas formerly they could reject only a few, whose places the prætor supplied by a new choice (*subsortitione*), *Cic. in Vat.* 11.

— *de COLONIS*, That Cæsar should plant a colony at *Novocœmum* in Cisalpine Gaul, *Suet. Jul.* 28.

*Leges DE VI, Plotia, Lutatia, et Julia.*

*Lex VIARIA de viis MUNIENDIS*, by C. Curio, a tribune, A. 703, somewhat similar to the *Agrarian* law of Rullus, *Cic. Fam.* viii. 6. By this law there seems to have been a tax imposed on carriages and horses, *ad Attic.* vi. 1.

*Lex VILLIA ANNALIS.* See p. 98.

*Lex VOCONIA de HÆREDITATIBUS mulierum*, by a tribune, A. 384, That no one should make a woman his heir (*NE QUIS HÆREDEM VIRGINEM NEQUE MULIEREM FACERET*), *Cic. Verr.* i. 42., nor leave to any one by way of legacy more than to his heir or heirs, *c.* 43. *de Senect.* 5. *Balb.* 8. But this law is supposed to have referred chiefly to those who were rich, (*qui essent CENSI*, i. e. *pecuniosi* vel

mised to the third tribe; and money grown so scarce, by this profusion of it, that interest was risen from four to eight per cent. — *Ad Att.* iv. 15.

Under the emperors, the *Leges de Ambitu* were suppressed, because they were unnecessary, as the appointment to all offices finally rested with themselves. So Juvenal, *Sat.* x. 77.

“ Jampridem ex quo suffragia nulli  
Vendimus, effudit curas. Nam qui dabat olim  
Imperium, fasces, legiones, omnia, nunc se  
Continet, atque duas tantum res anxius optat,  
Panem et Circenses.”

\* The *legatio libera* was granted arbitrarily by the senate to any of its members, when they travelled abroad, even on their private affairs, and entitled them to be treated as ambassadors, and had thus become a grievous burden upon the states which they passed. Cicero would have abolished it, but, from the interference of a tribune, was obliged to content himself with restricting it to a year.

*classici*, those of the first class, (*Ascon. in Cic. Gell. vii. 13.*) to prevent the extinction of opulent families.

Various arts were used to elude this law. Sometimes one left his fortune in trust to a friend, who should give it to a daughter or other female relation; but his friend could not be forced to do so, unless he inclined, *Cic. de Fin. ii. 17.* The law itself, however, like many others, on account of its severity, fell into disuse, *Gell. xx. 1.*

These are almost all the Roman laws mentioned in the classics. Augustus, having become sole master of the empire, *Tacit. Ann. i. 2.*, continued at first to enact laws in the ancient form, which were so many vestiges of expiring liberty (*vestigia morientis libertatis*), as Tacitus calls them: but he afterwards, by the advice of Mæcenas, *Dio. lii.*, gradually introduced the custom of giving the force of laws to the decrees of the senate, and even to his own edicts, *Tacit. Annal. iii. 28.* His successors improved upon this example. The ancient manner of passing laws came to be entirely dropped. The decrees of the senate, indeed, for form's sake, continued for a considerable time to be published; but at last these also were laid aside, and every thing was done according to the will of the prince.

The emperors ordained laws — 1. By their answers to the applications made to them at home or from the provinces, (*per RESCRIPTA ad LIBELLOS supplices, epistolas, vel preces.*)

— 2. By their decrees in judgment or sentences in court (*per DECRETA*), which were either INTERLOCUTORY, *i. e.* such as related to any incidental point of law which might occur in the process; or DEFINITIVE, *i. e.* such as determined upon the merits of the cause itself, and the whole question.

— 3. By their occasional ordinances (*per EDICTA vel CONSTITUTIONES*), and by their instructions (*per MANDATA*) to their lieutenants and officers.

These *constitutions* were either *general*, respecting the public at large; or *special*, relating to one person only, and therefore properly called PRIVILEGIA, privileges, *Plin. Ep. x. 56, 57.*; but in a sense different from what it was used in under the republic. See p. 21.

The three great sources, therefore, of Roman jurisprudence were the laws (LEGES) properly so called, the decrees of the senate (SENATUS CONSULTA), and the edicts of the prince (CONSTITUTIONES PRINCIPALES). To these may be added the edicts of the magistrates, chiefly the prætors, called JUS HONORARIUM, (see p. 112.) the opinions of learned lawyers (AUCTORITAS *vel* RESPONSA PRUDENTUM *vel* *Juris consultorum*, *Cic. pro Muren. 13. Cæcin. 24.*), and custom or long usage (CONSUETUDO *vel* MOS MAJORUM), *Gell. xi. 18.*

The titles and heads of laws, as the titles and beginnings of books, (*Ovid. Trist. i. 7. Martial. iii. 2.*) used to be written with vermilion (*rubricâ vel minio*) [*Hor. Sat. ii. 7. 98.*]: hence, RUBRICA is put for the Civil Law: thus, *Rubrica vetâvit*, the laws have forbidden, *Pers. v. 90. Alii se ad ALBUM* (*i. e. jus prætorium, quia prætores edicta sua in albo proponebant*), *ac RUBRICAS* (*i. e. jus civile*) *trans-tulerunt*, *Quinctil. xii. 3. 11.* Hence Juvenal, *Perlege rubras majores leges*, *Sat. xiv. 193.*



The Constitutions of the emperors were collected by different lawyers. The chief of these were *Gregory* and *Hermogènes*, who flourished under Constantine. Their collections were called CODEX GREGORIANUS and CODEX HERMOGENIANUS. But these books were composed only by private persons. The first collection made by public authority was that of the Emperor Theodosius the younger, published A. C. 438, and called CODEX THEODOSIANUS. But it only contained the imperial constitutions from Constantine to his own time, for little more than a hundred years.

It was the Emperor JUSTINIAN that first reduced the Roman law into a certain order. For this purpose he employed the assistance of the most eminent lawyers in the empire, at the head of whom was TRIBONIAN.

Justinian first published a collection of the imperial constitutions, A. C. 529, called CODEX JUSTINIANUS.

Then he ordered a collection to be made of every thing that was useful in the writings of the lawyers before his time, which are said to have amounted to 2000 volumes. This work was executed by Tribonian, and sixteen associates, in three years, although they had been allowed ten years to finish it. It was published A. 533, under the title of *Digests* or *Pandects* (PANDECTÆ vel DIGESTA). It is sometimes called, in the singular, the *Digest* or *Pandect*.

The same year were published the elements or first principles of the Roman law, composed by three men, *Tribonian*, *Theophilus*, and *Dorotheus*, and called the *Institutes* (INSTITUTA). This book was published before the *Pandects*, although it was composed after them.

As the first code did not appear sufficiently complete, and contained several things inconsistent with the *Pandects*, Tribonian and other four men were employed to correct it. A new code, therefore, was published, xvi. *Kal. Dec.* 534, called CODEX REPETITÆ PRÆLECTIONIS, and the former code declared to be of no further authority. Thus in six years was completed what is called CORPUS JURIS, the body of Roman law.\*

\* "It is well known that the decisions of certain lawyers obtained the force of laws. In a rescript (*rescriptum*) of Constantine, dated in the year 327, we find the highest authority ascribed to the opinions of Julius Paulus, who flourished at the close of the second and commencement of the third century. After an interval of nearly one hundred years, appeared another imperial constitution, intended to regulate the number and weight of legal opinions. The judges are bound to decide points of law according to the number of accredited opinions; when the numbers are equal, and the decision of Papinian can be produced on one side of a question, his authority must be allowed to preponderate, '*qui ut singulos vincit, ita cedit duobus*;' and it is only in the case of a perfect equilibrium of legal opinions, that they are left to the full exercise of their own discrimination." — *Codex Theodosianus*, lib. i. tit. iv. p. 24. ed. *Wenck. Encyc. Britann. Art. Civil Law*.

"By a constitution which has lately been discovered, and which bears the date of 435, Theodosius had invested those commissioners (eight in number) with power to retrench what was superfluous, to add what was wanting, to change what was ambiguous, and to correct what was incongruous. Justinian afterwards invested his commissioners with more ample powers: they were even authorised to consolidate several constitutions into one: and we may presume that neither of the two codes exhibited the imperial laws, or at least a large proportion of them, in their original state." "The Gothic conquerors of the West permitted their Roman subjects to enjoy

But when new questions arose, not contained in any of the above-mentioned books, new decisions became necessary, to supply what was wanting, or correct what was erroneous. These were afterwards published, under the title of *Novels* (NOVELLÆ, sc. *constitutiones*), not only by Justinian, but also by some of the succeeding emperors. So that the *Corpus Juris Romani Civilis* is made up of these books, the *Institutes*, *Pandects*, or *Digests*, *Code*, and *Novels*.

The *Institutes* are divided into four books; each book into several *titles* or chapters; and each title into paragraphs (§), of which the first is not numbered; thus, *Inst. lib. i. tit. x. princip.* or, more shortly, I. 1. 10. pr. So, *Inst. l. i. tit. x. § 2.* — or, I. 1. 10. 2.

The *Pandects* are divided into fifty books; each book into several *titles*; each title into several laws, which are distinguished by numbers; and sometimes one law into beginning (*princ.* for *principium*) and *paragraphs*; thus, D. 1. 1. 5. i. e. *Digest, first book, first title, fifth law.* If the law is divided into paragraphs, a fourth number must be added; thus, D. 48. 5. 13. pr., or, 48. 5. 15. 13. 3. Sometimes the first word of the law, not the number, is cited. The *Pandects* are often marked by a double *f*; thus, *ff.*

The *Code* is cited in the same manner as the *Pandects*, by *Book*, *Title*, and *Law*: the *Novels* by their number, the chapters of that number, and the paragraphs, if any; as *Nov. 115. c. 3.*

The Justinian code of law was universally received through the Roman world. It flourished in the East until the taking of Constantinople by the Turks, A. 1453. In the West it was in a great measure suppressed by the irruption of the barbarous nations, till it was revived in Italy in the 12th century by IRNERIUS, who had studied at Constantinople, and opened a school at Bologna under the auspices of Frederic I., Emperor of Germany. He was attended by an incredible number of students from all parts, who propagated the knowledge of the Roman Civil Law through most countries of Europe; where it still continues to be of great authority in courts of justice, and seems to promise, at least in point of legislation, the fulfilment of the famous prediction of the ancient Romans concerning the eternity of their empire.

## JUDICIAL PROCEEDINGS OF THE ROMANS.

THE Judicial proceedings (JUDICIA) of the Romans were either *Private* or *Public*, or, as we express it, *Civil* or *Criminal*: (*Omnia judicia aut distrahendarum controversiarum aut puniendorum malefactorum causâ reperta sunt*), Cic. pro Cæcin. 2.

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the benefit of their own laws; and a compendium of these laws, containing an abridgment of the three codes of Gregorius, Hermogenianus, and Theodosius, together with some new constitutions (*Novellæ*), and an epitome of the *Institutes* of Caius, extracts from the *Sententiæ* of Paulus, and the Books of Papinian, was prepared under the auspices of Alaric, king of the Visigoths; and an *interpretation* or *explanation* is added to all the books, except to the epitome of Caius. When the writers of the middle ages quote the Theodosian laws, they very commonly refer, not to the text, but to the commentary, which gradually superseded the text." — *Ibid.* : : .

I. (*JUDICIA PRIVATA*), CIVIL TRIALS.

*JUDICIA Privata*, or Civil Trials, were concerning private causes, or differences between private persons, *Cic. de Orat.* i. 38. *Top.* 17. In these at first the kings presided, *Dionys.* x. 1., then the consuls, *Id.* & *Liv.* ii. 27., the military tribunes and *decemviri*, *Liv.* iii. 33.; but, after the year 389, the Prætor *Urbanus* and *Peregrinus*. See p. 110, 111.

The judicial power of the Prætor *Urbanus* and *Peregrinus* was properly called JURISDICTION, (*quæ posita erat in edicto et ex edicto decretis*;) and of the prætors who presided at criminal trials, QUÆSTIO, *Cic. Verr.* i. 40, 41. 46, 47. &c. ii. 48. v. 14. *Muren.* 20. *Flacc.* 3. *Tacit. Agric.* 6.

The prætor might be applied to (*ADIRI POTERAT, COPIAM vel POTESTATEM SUI FACIEBAT*) on all court days (*diebus fastis*); but on certain days he attended only to petitions or requests (*POSTULATIONIBUS VACABAT*); so the consuls, *Plin. Ep.* vii. 33., and on others, to the examination of causes (*COGNITIONIBUS*), *Plin. Ep.* vii. 33.

On court-days, early in the morning, the prætor went to the *Forum*, and there, being seated on his tribunal, ordered an *Accensus* to call out to the people around that it was the third hour; and that whoever had any cause (*qui LEGE AGERE vellet*) might bring it before him. But this could only be done by a certain form.

## I. VOCATIO IN JUS,

## OR SUMMONING TO COURT.

If a person had a quarrel with any one, he first tried to make it up (*litem componere vel dijudicare*) in private; (*intru parietes*, *Cic. pro P. Quinct.* 5. 11. *per disceptatores domesticos vel operâ amicorum*, *Cæcin.* 2.)

If the matter could not be settled in this manner, *Liv.* iv. 9., the plaintiff (*ACTOR vel PETITOR*) ordered his adversary to go with him before the prætor (*in jus vocabat*), by saying, IN JUS VOCO TE: IN JUS EAMUS: IN JUS VENI: SEQUERE AD TRIBUNAL: IN JUS AMBULA, or the like, *Ter. Phorm.* v. 7. 43. 48. If he refused, the prosecutor took some one present to witness, by saying, LICET ANTESTARI? May I take you to witness? If the person consented, he offered the tip of his ear (*auriculam opponere*), which the prosecutor touched, *Horat. Sat.* i. 9. 76. *Plaut. Curcul.* v. 2. (See p. 56.) Then the plaintiff might drag the defendant (*reum*) to court by force (*in jus rapere*), in any way, even by the neck, (*obtorto collo, cervice adstrictâ*), *Cic.* & *Plaut. Pœn.* iii. 5. 45. *Juvenal.* x. 88., according to the law of the Twelve Tables; SI CALVITUR (*moratur*) PEDEMVE STRUIT (*fugit vel fugam adornat*), MANUM ENDO JACITO, *injicito*, *Festus*. But worthless persons, as *thieves, robbers, &c.* might be dragged before a judge without this formality, *Plaut. Pers.* iv. 9. v. 10.

By the law of the Twelve Tables, none were excused from appearing in court ; not even the aged, the sickly, and infirm. If they could not walk, they were furnished with an open carriage (*jumentum*, i. e. *plaustrum* vel *vectabulum*), Gell. xx. 1. Cic. de Legg. ii. 23. Horat. Sat. i. 9. 76. But afterwards this was altered, and various persons were exempted ; as, magistrates, *Liv.* xlv. 37., those absent on account of the state, *Val. Maxim.* iii. 7. 9. &c. ; also matrons, *Id.* ii. 1. 5., boys and girls under age, *D. de in jus vocand.*, &c.

It was likewise unlawful to force any person to court from his own house, because a man's house was esteemed his sanctuary (*tutissimum refugium et receptaculum*.) But if any one lurked at home to elude a prosecution, (*si fraudationis causâ latitarit*, Cic. Quint. 19.) he was summoned (*evocabatur*) three times, with an interval of ten days between each summons, by the voice of a herald, or by letters, or by the edict of the prætor ; and if he still did not appear (*se non sisteret*), the prosecutor was put in possession of his effects (*in bona ejus mittebatur*), *Ibid.*

If the person cited found security, he was let go : *SI ENSIET* (*si autem sit*, sc. *aliquis*), *QUI IN JUS VOCATUM VINDICIT*, (*vindicaverit*, shall be surety for his appearance), *MITTITO*, let him go.

If he made up the matter by the way (*ENDO VIA*), the process was dropped. Hence may be explained the words of our Saviour, *Matt.* v. 25. *Luke*, xii. 58.

## II. POSTULATIO ACTIONIS,

### REQUESTING A WRIT, AND GIVING BAIL.

If no private agreement could be made, both parties went before the prætor. Then the plaintiff proposed the action (*ACTIONEM EDEBAT*, vel *dicam scribebat*, Cic. Verr. ii. 15.) which he intended to bring against the defendant (*QUAM IN REUM INTENDERE VELLE*), *Plaut. Pers.* iv. 9., and demanded a writ (*ACTIONEM POSTULABAT*) from the prætor for that purpose. For there were certain forms (*FORMULÆ*) or set words (*VERBA CONCEPTA*) necessary to be used in every cause (*FORMULÆ DE OMNIBUS REBUS CONSTITUTÆ*), *Cic. Rosc. Com.* 8. At the same time the defendant requested that an *advocate* or lawyer might be given him, to assist him with his counsel.

There were several actions competent for the same thing. The prosecutor chose which he pleased, and the prætor usually granted it (*ACTIONEM vel JUDICIUM DABAT vel REDDEBAT*), *Cic. pro Cæcin.* 3. *Quint.* 22. *Verr.* ii. 12. 27., but he might also refuse it, *ibid. et ad Herenn.* ii. 13.

The plaintiff, having obtained a writ from the prætor, offered it to the defendant, or dictated to him the words. This writ it was unlawful to change (*mutare formulam non licebat*), *Senec. Ep.* 117.

The greatest caution was requisite in drawing up the writ (*in actione vel formulâ concipiendâ*), for if there was a mistake in one word, the whole cause was lost, *Cic. de Invent.* ii. 19. *Herenn.* i. 2. *Quinctil.* iii. 8. vii. 3. 17. *Qui plus petebat quàm debitum est, causam perdebat*,

Cic. pro Q. Rosc. 4., vel *formulâ excidebat*, i. e. *causâ cadebat*, Suet. Claud. 14. Hence SCRIBERE vel SUBSCRIBERE DICAM *alicui* vel *impingere*, to bring an action against one, Cic. Ver. ii. 15. Ter. Phorm. ii. 3. 92., or *cum aliquo* JUDICIUM SUBSCRIBERE, Plin. Ep. v. 1., EI FORMULAM INTENDERE, Suet. Vit. 7. But DICAM vel *dicas sortiri*, i. e. *judices dare sortitione, qui causam cognoscant*, to appoint *judices* to judge of causes, Cic. *ibid.* 15. 17.

A person skilled only in framing writs and the like, is called by Cicero, LEGULEIUS, (*præco actionum, cantor formularum, auceps syllabarum*, Cic. de Orat. i. 55.) and by Quinctilian, FORMULARIUS, xii. 3. 11.

He attended on the advocates, to suggest to them the laws and forms; as those called PRAGMATICI did among the Greeks, *ibid.*, and as *agents* do among us.

Then the plaintiff required that the defendant should give bail for his appearance in court (VADES, *qui sponderent eum adfuturum*,) on a certain day, which was usually the third day after (*tertio die vel perendie*), Cic. pro Quint. 7. Muren. 12. Gell. vii. 1. And thus he was said, VADARI REUM, (VADES *ideo dicti, quod, qui eos dederit, vadendi, id est, discedendi habet potestatem*, Festus,) Cic. Quint. 6.

This was also done in a set form prescribed by a lawyer, who was said VADIMONIUM CONCIPERE, Cic. ad Fratr. ii. 15.

The defendant was said VADES DARE, vel VADIMONIUM PROMITTERE. If he did not find bail, he was obliged to go to prison, Plaut. Pers. ii. 4. v. 18. The prætor sometimes put off the hearing of the cause to a more distant day (*vadimonia differebat*), Liv. Ep. 86. Juvenal. iii. 213. But the parties (LITIGATORES) chiefly were said VADIMONIUM DIFFERRE *cum aliquo*, to put off the day of the trial, Cic. Att. ii. 7. Fam. ii. 8. Quinct. 14. 16. *Res esse in vadimonium cæpit*, began to be litigated, *ibid.*

In the mean time the defendant sometimes made up (*rem componebat et transigebat*, compromised) the matter privately with the plaintiff, and the action was dropped, Plin. Ep. v. 1. In which case the plaintiff was said *decidisse vel pactionem fecisse cum reo, judicio reum absolvisse vel liberâsse, lite contestatâ vel judicio constituto*, after the lawsuit was begun; and the defendant, *litem redemisse*, after receiving security from the plaintiff (*cum sibi cavisset vel satis ab actore accepisset*) that no further demands were to be made upon him, AMPLIUS A SE NEMINEM PETITURUM, Cic. Quint. 11, 12. If a person was unable or unwilling to carry on a lawsuit, he was said NON POSSE vel NOLLE PROSEQUI, vel EXPERIRI, sc. *jus vel jure, vel jure summo*, *ib.* 7. &c.

When the day came, if either party when cited was not present, without a valid excuse (*sine morbo vel causâ sonticâ*), he lost his cause, Horat. Sat. i. 9. 36. If the defendant was absent, he was said DESERERE VADIMONIUM, and the prætor put the plaintiff in possession of his effects, Cic. pro Quint. 6. 20.

If the defendant was present, he was said VADIMONIUM SISTERE vel OBIRE. When cited, he said, UBI TU ES, QUI ME VADATUS ES? UBI TU ES, QUI ME CITASTI? ECCE ME TIBI SISTO, TU CONTRA ET TE MIHI SISTE. The plaintiff answered, ADSUM, Plaut. Curcul. i. 3. 5. Then the defendant said, QUID AIS? The plaintiff said, AIO

FUNDUM, QUEM POSSIDES, MEUM ESSE; vel AIO TE MIHI DARE, FACERE, OPORTERE, or the like, *Cic. Mur.* 12. This was called INTENTIO ACTIONIS, and varied according to the nature of the action.

### III. DIFFERENT KINDS OF ACTIONS.

ACTIONS were either *Real*, *Personal*, or *Mixt*.

1. A real action (ACTIO IN REM) was for obtaining a thing to which one had a real right (*jus in re*), but which was possessed by another, (*per quam rem nostram, quæ ab alio possidetur, petimus*, Ulpian.)

2. A *personal action* (ACTIO IN PERSONAM) was against a person for doing or giving something, which he was bound to do or give, by reason of a contract, or of some wrong done by him to the plaintiff.

3. A mixt action was both for a thing, and for certain personal prestations, [engagements, *præstationes*.]

#### I. REAL ACTIONS.

ACTIONS for a thing, or *real actions*, were either CIVIL, arising from some law, *Cic. in Cæcil.* 5. *de Orat.* i. 2., or PRÆTORIAN, depending on the edict of the prætor.

ACTIONES PRÆTORIÆ were remedies granted by the prætor for rendering an equitable right effectual, for which there was no adequate remedy granted by the statute or common law.

A civil action for a thing (*actio civilis vel legitima in rem*) was called VINDICATIO; and the person who raised it VINDEK. But this action could not be brought, unless it was previously ascertained who ought to be the possessor. If this was contested, it was called LIS VINDICIARUM, *Cic. Verr.* i. 45., and the prætor determined the matter by an interdict, *Cic. Cæcin.* 8. 14.

If the question was about a slave, the person who claimed the possession of him, laying hands on the slave (*manum ei injiciendo*), before the prætor, said, HUNC HOMINEM EX JURE QUIRITUM MEUM ESSE AIO, EJUSQUE VINDICIAS, (i. e. *possessionem*) MIHI DARI POSTULO. To which Plautus alludes, *Rud.* iv. 3. 86. If the other was silent, or yielded his right (*jure cedebat*), the prætor adjudged the slave to the person who claimed him (*servum addicebat vindicanti*), that is, he decreed to him the possession, till it was determined who should be the proprietor of the slave (*ad exitum judicii*). But if the other person also claimed possession (*si vindicias sibi conservari postularet*), then the prætor pronounced an interdict (*interdicebat*), QUI NEC VI, NEC CLAM, NEC PRECARIO POSSIDET, EI VINDICIAS DABO.

The laying on of hands (MANUS INJECTIO), was the usual mode of claiming the property of any person, *Liv.* iii. 43., to which frequent allusion is made in the classics, *Ovid. Epist. Heroid.* viii. 16. xii. 158. *Amor.* i. 4. 40. ii. 5. 30. *Fast.* iv. 90. *Virg. Æn.* x. 419. *Cic. Rosc. Com.* 16. *Plin. Epist.* x. 19. *In vera bona non est manûs injectio; Animo non potest injici manus*, i. e. vis fieri, *Seneca*.

In disputes of this kind (*in litibus vindiciarum*) the presumption



always was in favour of the possessor, according to the law of the Twelve Tables, *SI QUI IN JURE MANUM CONSERUNT*, i. e. *apud judicem disceptant*, *SECUNDUM EUM QUI POSSIDET*, *VINDICIAS DATO*, *Gell.* xx. 10.

But in an action concerning liberty, the prætor always decreed possession in favour of freedom (*vindicias dedit secundum libertatem*), and Appius, the *decemvir*, by doing the contrary, (*decernendo vindicias secundum servitutem*, vel *ab libertate in servitutem contra leges vindicias dando*, by decreeing that Virginia should be given up into the hands of M. Claudius, his client, who claimed her, and not to her father, who was present,) brought destruction on himself and his colleagues, *Liv.* iii. 47. 56. 58.

Whoever claimed a slave to be free (*VINDEX, qui in libertatem vindicabat*) was said *EUM LIBERALI CAUSA MANU ASSERERE*, *Terent. Adelph.* ii. 1. 39. *Plaut. Pæn.* v. 2.; but if he claimed a free person to be a slave, he was said *IN SERVITUTEM ASSERERE*; and hence was called *ASSERTOR*, *Liv.* iii. 44. Hence, *Hæc* (sc. *præsentia gaudia*) *utrâque manu, complexuque assere toto*, *Martial.* i. 16. 9.—*ASSERO*, for *affirmo* or *assevero*, is used only by later writers.

The expression *MANUM CONSERERE*, to fight hand to hand, is taken from war, of which the conflict between the two parties was a representation. Hence *VINDICIA*, i. e. *injectio vel correptio manûs in re præsentî*, was called *vis civilis et festucaria*, *Gell.* xx. 10. The two parties are said to have crossed two rods (*festucas inter se commisisse*) before the prætor, as if in fighting, and the vanquished party to have given up his rod to his antagonist. Whence some conjecture that the first Romans determined their disputes with the point of their swords.

Others think that *vindicia* was a rod (*virgula* vel *festuca*), which the two parties (*litigantes* vel *disceptantes*) broke in their fray or mock fight before the prætor, (as a straw, *stipula*, used anciently to be broken in making stipulations, *Isidor.* v. 24.) the consequence of which was, that one of the parties might say, that he had been ousted or deprived of possession (*possessione dejectus*) by the other, and therefore claim to be restored by a decree (*INTERDICTO*) of the prætor.

If the question was about a farm, a house, or the like, the prætor anciently went with the parties (*cum litigantibus*) to the place, and gave possession (*vindicias dabat*) to which of them he thought proper. But from the increase of business this soon became impracticable; and then the parties called one another from court (*ex jure*) to the spot (*in locum vel rem præsentem*), to a farm, for instance, and brought from thence a turf (*glebam*), which was also called *VINDICIÆ*, *Festus*; and contested about it as about the whole farm. It was delivered to the person to whom the prætor adjudged the possession, *Gell.* xx. 10. [See *Gibbon*, c. xliv.]

But this custom also was dropped, and the lawyers devised a new form of process in suing for possession, which Cicero pleasantly ridicules, *pro Muren.* 12. The plaintiff (*petitor*) thus addressed the defendant (*eum, unde petebatur*); *FUNDUS QUI EST IN AGRO, QUI SABINUS VOCATUR, EUM EGO EX JURE QUIRITIIUM MEUM ESSE AIO, INDE EGO TE EX JURE MANU CONSERVATUM* (to contend according to law) *voco*. If the defendant yielded, the prætor adjudged posses-

sion to the plaintiff. If not, the defendant thus answered the plaintiff, UNDE TU ME EX JURE MANUM CONSERVATUM VOCASTI, INDE IBI EGO TE REVOCO. Then the prætor repeated his set form (*carmen compositum*), UTRISQUE, SUPERSTITIBUS PRÆSENTIBUS, i. e. *testibus præsentibus* (before witnesses), ISTAM VIAM DICO. INITE VIAM. Immediately they both set out, as if to go to the farm, to fetch a turf, accompanied by a lawyer to direct them (*qui ire viam doceret.*) Then the prætor said, REDITE VIAM; upon which they returned. If it appeared that one of the parties had been dispossessed by the other through force, the prætor thus decreed, UNDE TU ILLUM DEJECISTI, CUM NEC VI, NEC CLAM, NEC PRECARIO POSSIDERET, EO ILLUM RESTITUAS JUBEO. If not, he thus decreed, UTI NUNC POSSIDETIS, &c. ITA POSSIDEATIS. VIM FIERI VETO.

The possessor being thus ascertained, then the action about the right of property (*de jure domini*) commenced. The person ousted or outed (*possessione exclusus vel dejectus*, Cic. pro Cæcin. 19.) first asked the defendant if he was the lawful possessor, (QUANDO EGO TE IN JURE CONSPICIO, POSTULO AN SIES AUCTOR? i. e. *possessor, unde meum jus repetere possim*, Cic. pro Cæcin. 19. et Prob. in Not.) Then he claimed his right, and in the mean time required that the possessor should give security (SATISDARET), not to do any damage to the subject in question (*se nihil deterius in possessione facturum*), by cutting down trees, or demolishing buildings, &c.; in which case the plaintiff was said PER PRÆDES, v. -em, vel *pro præde* LITIS VINDICIARUM SATIS ACCIPERE, Cic. Verr. i. 45. If the defendant did not give security, the possession was transferred to the plaintiff, provided he gave security.

A sum of money also used to be deposited by both parties, called SACRAMENTUM, which fell to the gaining party after the cause was determined, Festus, Varr. de Lat. Ling. iv. 36., or a stipulation was made about the payment of a certain sum, called SPONSIO. The plaintiff said, QUANDO NEGAS HUNC FUNDUM ESSE MEUM, SACRAMENTO TE QUINQUAGENARIO PROVOCO. SPONDESNE QUINGENTOS, sc. *nummos* vel *asses*, SI MEUS EST? i. e. *si meum esse probavero*. The defendant said, SPONDEO QUINGENTOS, SI TUUS SIT. Then the defendant required a correspondent stipulation from the plaintiff (*re-stipulabatur*), thus, ET TU SPONDESNE QUINGENTOS, NI TUUS SIT? i. e. *si probavero tuum non esse*. Then the plaintiff said, SPONDEO, NI MEUS SIT. Either party lost his cause if he refused to give this promise, or to deposit the money required.

Festus says this money was called SACRAMENTUM, because it used to be expended on sacred rites; but others, because it served as an oath (*quod instar sacramenti vel jurisjurandi esset*), to convince the judges that the lawsuit was not undertaken without cause, and thus checked wanton litigation. Hence it was called PIGNUS SPONSIONIS (*quia violare quod quisque promittit perfidiæ est*), Isidor. Orig. v. 24. And hence *Pignore contendere*, et *sacramento*, is the same, Cic. Fam. vii. 32. de Orat. i. 10.

*Sacramentum* is sometimes put for the suit or cause itself (*pro ipsa petitione*), Cic. pro Cæcin. 33., *sacramentum in libertatem*, i. e. *causa et vindiciæ libertatis*, the claim of liberty, pro Dom. 29. Mil. 27. de Orat. i. 10. So SPONSIONEM FACERE, to raise a lawsuit, Cic.

*Quint.* 8. 26. *Verr.* iii. 62. *Cæcin.* 8. 16. *Rosc. Com.* 4, 5. *Off.* iii. 19. *Sponsione lacessere*, *Verr.* iii. 57., *certare*, *Cæcin.* 32., *vincere*, *Quint.* 27., and also *vincere sponsionem*, *Cæcin.* 31., or *judicium*, to prevail in the cause, *Verr.* i. 53., *condemnari sponsionis*, to lose the cause, *Cæcin.* 31., *sponsiones*, i. e. *causæ*, *prohibitæ judicari*, causes not allowed to be tried, *Cic. Verr.* iii. 62.

The plaintiff was said *sacramento vel sponsione provocare, rogare, quærere, et stipulari*. The defendant, *contendere ex provocatione vel sacramento, et restipulari*, *Cic. pro Rosc. Com.* 13. *Valer. Max.* ii. 8. 2. *Festus.* *Varr. de Lat. Ling.* iv. 36.

The same form was used in claiming an inheritance (IN HÆREDITATIS PETITIONE), in claiming servitudes, &c. But, in the last, the action might be expressed both affirmatively and negatively; thus, *AIO, JUS ESSE vel NON ESSE*. Hence it was called *Actio CONFESSORIA et NEGATORIA*.

## 2. PERSONAL ACTIONS.

PERSONAL actions, called also CONDICTIONES, were very numerous. They arose from some contract, or injury done; and required that a person should do or give certain things, or suffer a certain punishment.

Actions from contracts or obligations were about buying and selling (*de emptione et venditione*); about letting and hiring (*de locatione et conductione*: *locabatur vel domus vel fundus, vel opus faciendum, vel vectigal*; *Ædium conductor INQUILINUS, fundi COLONUS, operis REDemptor, vectigalis PUBLICANUS vel MANCEPS dicebatur*), about a commission (*de mandato*); partnership (*de societate*); a deposit (*de deposito apud sequestrem*); a loan (*de commodato vel mutuo, propriè COMMODAMUS vestes, libros, vasa, equos, et similia, quæ eadem redduntur*; *MUTUO autem DAMUS ea, pro quibus alia redduntur ejusdem generis, ut nummos, frumentum, vinum, oleum, et ferè cætera, quæ pondere, numero vel mensurâ dari solent*); a pawn or pledge (*de hypothecâ vel pignore*); a wife's fortune (*de dote vel re uxoriâ*); a stipulation (*de stipulatione*), which took place almost in all bargains, and was made in this form:—AN SPONDES? SPONDEO: AN DABIS? DABO: AN PROMITTIS? PROMITTO, vel *repromitto*, &c. *Plaut. Pseud.* iv. 6. *Bacchid.* iv. 8.

When the seller set a price on a thing, he was said *INDICARE*: thus, *INDICA, FAC PRETIUM*, *Plaut. Pers.* iv. 4. 37., and the buyer, when he offered a price, *LICERI*, i. e. *rogare quo pretio liceret auferre*, *Plaut. Stich.* i. 3. 68. *Cic. Verr.* iii. 33. At an auction, the person who bade (*LICITATOR*) held up his forefinger (*index*); hence *digito liceri*, *Cic. ib.* 11. The buyer asked, *QUANTI LICET*, sc. *habere vel auferre*. The seller answered, *Decem nummis licet*, or the like, *Plaut. Epid.* iii. 4. 35. Thus some explain *De Drusi hortis, quanti licuisse* (sc. *eas emere*), *tu scribis audieram: sed quanti quanti, bene emitur quod necesse est*, *Cic. Att.* xii. 23. But most here take *licere* in a passive sense, *to be valued or appraised*; *quanti quanti*, sc. *licent*, at whatever price; as *Mart.* vi. 66. 4. So *Venibunt quiqui licebunt* (whoever shall be appraised, or exposed to sale, shall be sold) *præsenti pecuniâ*, for ready money, *Plaut. Menæch.* v. 9. 97. *unius assis Non*

*unquam pretio pluris licuisse, notante Iudice quo nōsti populo*, was never reckoned worth more than the value of one *as*, in the estimation of the people, &c., *Horat. Sat. i. 6. 13.*

In verbal bargains or stipulations there were certain fixed forms (STIPULATIONUM FORMULÆ, *Cic. de Legg. i. 4.*, vel SPONSIONUM, *Id. Rosc. Com. 4.*) usually observed between the two parties. The person who required the promise or obligation, STIPULATOR (*sibi qui promitti curabat*, v. *sponsionem exigebat*), asked (*rogabat* v. *interrogabat*) him who was to give the obligation (PROMISSOR vel REPROMISSOR, *Plaut. Asin. ii. 4. 48. Pseud. i. 1. 112.*, for both words are put for the same thing, *Plaut. Cure. v. 2. 68. v. 3. 31. Cic. Rosc. Com. 13.*) before witnesses, *Plaut. ib. 33. Cic. Rosc. Com. 4.*, if he would do or give a certain thing; and the other always answered in correspondent words: thus, AN DABIS? DABO vel DABITUR, *Plaut. Pseud. i. 1. 115. iv. 6. 15. Bacch. iv. 8. 41. AN SPONDES? SPONDEO, Id. Cure. v. 2. 74.* Any material change or addition in the answer rendered it of no effect, § 5. *Instit. de inutil. Stip. Plaut. Trin. v. 2. 34. 39.* The person who required the promise was said to be REUS STIPULANDI; he who gave it, REUS PROMITTENDI, *Digest.* Sometimes an oath was interposed, *Plaut. Rud. v. 2. 47.*, and, for the sake of greater security (*ut pacta et conventa firmitiora essent*), there was a second person, who required the promise or obligation to be repeated to him, therefore called ASTIPULATOR, *Cic. Quint. 18. Pis. 9. (qui arrogabat)*, *Plaut. Rud. v. 2. 45.*, and another, who joined in giving it, ADPROMISSOR, *Festus. Cic. Att. v. 1. Rosc. Amer. 9.* FIDE JUSSOR vel SPONSOR, a surety, who said, ET EGO SPONDEO IDEM HOC, or the like, *Plaut. Trin. v. 2. 39.* Hence, *Astipulari irato consuli*, to humour or assist, *Liv. xxxix. 5.* The person who promised, in his turn usually asked a correspondent obligation, which was called RESTIPULATIO; both acts were called SPONSIO.

Nothing of importance was transacted among the Romans without the *rogatio*, or asking a question, and a correspondent answer (*congrua responsio*): hence INTERROGATIO for STIPULATIO, *Senec. Benef. iii. 16.* Thus also laws were passed: the magistrate asked, ROGABAT, and the people answered, UTI ROGAS, sc. *volumus.* See p. 85, 86.

The form of MANCIPATIO, or *Mancipium*, *per æs et libram*, was sometimes added to the STIPULATIO, *Cic. Legg. ii. 20, 21.*

A stipulation could only take place between those who were present. But if it was expressed in a writing (*si in instrumento scriptum esset*), simply that a person had promised, it was supposed, that every thing requisite in a stipulation had been observed, *Inst. iii. 20. 17. Paull. Recept. Sent. v. 7. 2.*

In buying and selling, in giving or taking a lease (*in locatione vel conductione*), or the like, the bargain was finished by the simple consent of the parties: hence these contracts were called CONSENSUALES. He who gave a wrong account of a thing to be disposed of, was bound to make up the damage, *Cic. Off. iii. 16.* An earnest penny (ARRHA v. ARRHABO) was sometimes given, not to confirm, but to prove the obligation, *Inst. iii. 23. pr. — Varr. L. L. iv. 36.* But in all important contracts, bonds (SYNGRAPHÆ), formally written out, signed, and sealed, were mutually exchanged between the parties. Thus Augustus and Antony ratified their agreement about the par-

tition of the Roman provinces, after the overthrow of Brutus and Cassius at Philippi, by giving and taking reciprocally written obligations (*γραμματεῖα*, *syngraphæ*), Dio. xlviii. 2. 11. A difference having afterwards arisen between Cæsar, and Fulvia the wife of Antony and Lucius his brother, who managed the affairs of Antony in Italy, an appeal was made by Cæsar to the disbanded veterans; who, having assembled in the Capitol, constituted themselves judges in the cause, and appointed a day for determining it at Gabii. Augustus appeared in his defence; but Fulvia and L. Antonius having failed to come, although they had promised, were condemned in their absence; and, in confirmation of the sentence, war was declared against them, which terminated in their defeat, and finally in the destruction of Antony, Dio. xlvii. 12, &c. In like manner the articles of agreement between Augustus, Antony, and Sex. Pompeius, were written out in the form of a contract, and committed to the charge of the Vestal virgins, Dio. xlviii. 37. They were farther confirmed by the parties joining their right hands, and embracing one another, *Ib.* But Augustus, says Dio, no longer observed this agreement, than till he found a pretext for violating it, Dio. xlviii. 45.

When one sued another upon a written obligation, he was said *agere cum eo ex SYNGRAPHÀ*, Cic. Mur. 17.

Actions concerning bargains or obligations are usually named *AC-TIONES empti, venditi, locati vel ex locato, conducti vel ex conducto, mandati, &c.* They were brought (*intendebantur*) in this manner:—The plaintiff said, *AIO TE MIHI MUTUI COMMODATI, DEPOSITI NOMINE, DARE CENTUM OPORTERE; AIO TE MIHI EX STIPULATO, LOCATO, DARE, FACERE OPORTERE.* The defendant either denied the charge, or made exceptions to it, or defences, (*Actoris intentionem aut negabat vel inficiabatur aut exceptione eludebat,*) that is, he admitted part of the charge, but not the whole; thus, *NEGO ME TIBI EX STIPULATO CENTUM DARE OPORTERE, NISI QUOD METU, DOLO, ERRORE ADDUCTUS SPOPONDI, vel NISI QUOD MINOR XXV. ANNIS SPOPONDI.* Then followed the *SPONSIO*, if the defendant denied, *NI DARE FACERE DEBEAT*; and the *RESTIPULATIO*, *SI DARE FACERE DEBEAT*; but if he excepted, the *sponsio* was, *NI DOLO ADDUCTUS SPOPONDERIT*; and the *restipulatio*, *SI DOLO ADDUCTUS SPOPONDERIT.* To this Cicero alludes, *de Invent.* ii. 19. *Fin.* ii. 7. *Att.* vi. 1.

An exception was expressed by these words, *SI NON, AC SI NON, AUT SI, AUT NISI, NISI QUOD, EXTRA QUAM SI.* If the plaintiff answered the defendant's exception, it was called *REPLICATIO*; and if the defendant answered him, it was called *DUPLICATIO*. It sometimes proceeded to a *TRIPLICATIO* and *QUADRUPLICATIO*. The exceptions and replies used to be included in the *Sponsio*, *Liv.* xxxix. 43. *Cic. Verr.* i. 45. iii. 57. 59. *Cæcin.* 16. *Val. Max.* ii. 8. 2.

When the contract was not marked by a particular name, the action was called *ACTIO PRÆSCRIPTIS VERBIS, actio incerta vel incerti*; and the writ (*formula*) was not composed by the prætor, but the words were prescribed by a lawyer, *Val. Max.* viii. 2. 2.

Actions were sometimes brought against a person on account of the contracts of others, and were called *Adjectitia qualitatis*.

<sup>A</sup> the Romans esteemed trade and merchandise dishonourable,



especially if not extensive, *Cic. Off.* i. 42., instead of keeping shops themselves, they employed slaves, freedmen, or hirelings, to trade on their account (*negotiationibus præficiabant*), who were called INSTITORES (*quòd negotio gerendo instabant*); and actions brought against the trader (*in negotiatorem*), or against the employer (*in dominum*), on account of the trader's transactions, were called ACTIONES INSTITORIÆ.

In like manner, a person who sent a ship to sea at his own risk (*suo periculo navem mari immittebat*), and received all the profits (*ad quem omnes obventiones et redditus navis pervenirent*), whether he was the proprietor (*dominus*) of the ship, or hired it (*navem per aversionem conduxisset*), whether he commanded the ship himself (*sive ipse NAVIS MAGISTER esset*), or employed a slave or any other person for that purpose (*navi præficeret*), was called *navis EXERCITOR*; and an action lay against him (*in eum competebat, erat, vel dabatur*), for the contracts made by the master of the ship, as well as by himself, called ACTIO EXERCITORIA.

An action lay against a father or a master of a family, for the contracts made by his son or slave, called *actio DE PECULIO* or *actio DE IN REM VERSO*, if the contract of the slave had turned to his master's profit; or *actio JUSSU*, if the contract had been made by the master's order.

But the father or master was bound to make restitution, not to the entire amount of the contract (*non in solidum*), but to the extent of the *peculium*, and the profit which he had received.

If the master did not justly distribute the goods of the slave among his creditors, an action lay against him, called *actio TRIBUTORIA*.

An action also lay against a person in certain cases, where the contract was not expressed, but presumed by law, and therefore called *Obligatio QUASI EX CONTRACTU*; as when one, without any commission, managed the business of a person in his absence, or without his knowledge: hence he was called NEGOTIORUM GESTOR, or VOLUNTARIUS AMICUS, *Cic. Cæcin.* 5., vel PROCURATOR, *Cic. Brut.* 4.

### 3. PENAL ACTIONS.

ACTIONS for a private wrong were of four kinds: EX FURTO, RAPINA, DAMNO, INJURIA; for theft, robbery, damage, and personal injury.

1. The different punishments of thefts were borrowed from the Athenians. By the laws of the Twelve Tables, a thief in the night-time might be put to death: SI NOX (*noctu*) FURTUM FAXIT, SIM (*si eum*) ALIQUIS OCCISIT (*occiderit*), JURE CÆSUS ESTO; and also in the day-time, if he defended himself with a weapon: SI LUCI FURTUM FAXIT, SIM ALIQUIS ENDO (*in*) IPSO FURTO CAPSIT (*ceperit*), VERBERATOR, ILLIQUE, CUI FURTUM FACTUM ESCIT (*erit*) ADDICITOR, *Gell.* xi. ult., but not without having first called out for assistance, *sed non nisi is, qui interemturus erat*, QUIRITARET, i. e. *clamaret* QUIRITES, VOSTRAM FIDEM, sc. *imploro*, vel PORRO QUIRITES.

The punishment of slaves was more severe. They were scourged, and thrown from the Tarpeian rock. Slaves were so addicted to this crime, that they were anciently called FURES: hence, *Vir*



iii. 16., *Quid domini faciant, audent cum talia fures!* so *Horat. Ep. i. 6. 46.*, and theft, *SERVILE PROBRUM*, *Tacit. Hist. i. 48.*

But afterwards these punishments were mitigated by various laws, and by the edicts of the prætors. One caught in manifest theft (in *FURTO MANIFESTO*) was obliged to restore fourfold (*quadruplum*), besides the thing stolen; for the recovery of which there was a real action (*vindicatio*) against the possessor, whoever he was.\*

If a person was not caught in the act, but so evidently guilty that he could not deny it, he was called *Fur NEC MANIFESTUS*, and was punished by restoring double, *Gell. xi. 18.*

When a thing stolen was, after much search, found in the possession of any one, it was called *FURTUM CONCEPTUM*, (see p. 168.) and by the law of the Twelve Tables was punished as manifest theft, *Gell. ibid. Inst. iv. 1. 4.*; but afterwards, as *furtum nec manifestum*.

If a thief, to avoid detection, offered things stolen (*res furtivas vel furto ablatas*) to any one to keep, and they were found in his possession, he had an action, called *Actio FURTI OBLATI*, against the person who gave him the things, whether it was the thief or another, for the triple of their value, *ibid.*

If any one hindered a person to search for stolen things, or did not exhibit them when found, actions were granted by the prætor against him, called *Actiones FURTI PROHIBITI et NON EXHIBITI*; in the last for double, *Plant. Pæn. iii. 1. 61.* What the penalty was in the first is uncertain. But in whatever manner theft was punished, it was always attended with infamy.

2. Robbery (*RAPINA*) took place only in movable things (*in rebus mobilibus*). Immovable things were said to be *invaded*, and the possession of them was recovered by an *interdict* of the prætor.

Although the crime of robbery (*crimen raptus*) was much more pernicious than that of theft, it was, however, less severely punished.

An action (*actio VI BONORUM RAPTORUM*) was granted by the prætor against the robber (*in raptorem*), only for fourfold, including what he had robbed. And there was no difference whether the robber was a freeman or a slave; only the proprietor of the slave was obliged, either to give him up (*eum noxæ dedere*), or pay the damage (*damnum præstare*).

3. If any one slew the slave or beast of another, it was called *DAMNUM INJURIA DATUM*, i. e. *dolo vel culpa nocentis admissum*, whence *ACTIO vel JUDICIUM DAMNI INJURIA*, sc. *dati*, *Cic. Rosc. Com. 11.*, whereby he was obliged to repair the damage by the *Aquilian* law. *QUI SERVUM SERVAMVE, ALIENUM ALIENAMVE, QUADRUPEDEM vel PECUDEM INJURIA OCCIDERIT, QUANTI ID IN EO ANNO PLURIMI FUIT* (whatever its highest value was for that year), *TANTUM ÆS DARE DOMINO DAMNAS ESTO*. By the same law, there was an action against a person for hurting any thing that belonged to another, and also for corrupting another man's slave, for double if he denied (*ADVERSUS INFICIENTEM IN DUPLUM*), *l. 1. princ. D. de serr. corr.* There was, on account of the same crime, a prætorian action for double, even against a person who confessed, *l. 5. § 2. ibid.*

\* "If the delinquent was too poor to make the payment required, he was adjudged as a slave to the injured party." — *Blair*, p. 40.

4. Personal injuries or affronts (INJURIÆ) respected either the body, the dignity, or character of individuals. — They were variously punished at different periods of the republic.

By the Twelve Tables, smaller injuries (*injuriæ leviores*) were punished with a fine of twenty-five *asses* or pounds of brass.

But if the injury was more atrocious; as, for instance, if any one deprived another of the use of a limb (*SI MEMBRUM RUPSIT*, i. e. *ruperit*), he was punished by retaliation (*talione*), if the person injured would not accept of any other satisfaction. (See p. 164.). If he only dislocated or broke a bone, *QUI OS EX GENITALI* (i. e. *ex loco ubi gignitur*) *FUDIT*, he paid 300 *asses*, if the sufferer was a freeman, and 150, if a slave, *Gell. xx. 1.* If any one slandered another by defamatory verses (*si quis aliquem publicè diffamâsset, eique adversus bonos mores convicium fecisset*, affronted him, *vel carmen famosum in eum condidisset*), he was beaten with a club, *Hor. Sat. ii. 1. 82. Ep. ii. 1. 154. Cornut. ad Pers. Sat. 1.*; as some say, to death, *Cic. apud Augustin. de Civit. Dei, ii. 9. 12.*

But these laws gradually fell into disuse, *Gell. xx. 1.*, and, by the edicts of the prætor, an action was granted on account of all personal injuries and affronts only for a fine, which was proportioned to the dignity of the person, and the nature of the injury. This, however, being found insufficient to check licentiousness and insolence, Sulla made a new law concerning injuries, by which, not only a civil action, but also a criminal prosecution, was appointed for certain injuries, with the punishment of exile, or working in the mines. Tiberius ordered one who had written defamatory verses against him to be thrown from the Tarpeian rock, *Dio. lvii. 22.*

An action might also be raised against a person for an injury done by those under his power, which was called *ACTIO NOXALIS*; as, if a slave committed theft, or did any damage without his master's knowledge, he was to be given up to the injured person: (*SI SERVUS, INSCIENTE DOMINO, FURTUM FAXIT, NOXIAMVE NOXIT, nocuerit*, i. e. *damnum fecerit, NOXÆ DEDITOR*): And so, if a beast did any damage, the owner was obliged to offer a compensation, or give up the beast (*SI QUADRUPES PAUPERIEM, damnum, FAXIT, DOMINUS NOXÆ ÆSTIMIAM, damni æstimationem, OFFERTO: SI NOLIT, QUOD NOXIT, DATO*).

There was no action for ingratitude (*actio ingrati*), as among the Macedonians, or rather Persians; because, says Seneca, all the courts at Rome (*omnia fora, sc. tria, de Ir. ii. 9.*) would scarcely have been sufficient for trying it, *Senec. Benef. ii. 6.* He adds a better reason; *quia hoc crimen in legem cadere non debet, c. 7.*

#### 4. MIXED AND ARBITRARY ACTIONS.

ACTIONS by which one sued for a thing (*rem persequebatur*), were called *Actiones REI PERSECUTORIÆ*; but actions merely for a penalty or punishment were called *PCENALES*; for both, *MIXTÆ*.

Actions in which the judge was obliged to determine strictly, according to the convention of parties, were called *Actiones STRICTI JURIS*: actions which were determined by the rules of equity (*ex æquo et bono*), were called *ARBITRARIÆ*, or *BONÆ FIDELI*. In

the former, a certain thing, or the performance of a certain thing (*certa præstatio*), was required; a *sponsio* was made; and the judge was restricted to a certain form: in the latter, the contrary of all this was the case. Hence, in the form of actions *bonæ fidei* about contracts, these words were added, *EX BONA FIDE*; in those trusts called *fiduciæ*, *UT INTER BONOS BENE AGIER OPORTET, ET SINE FRAUDATIONE*; and in a question about recovering a wife's portion after a divorce (*in arbitrio rei uxoriæ*), and in all arbitrary actions, *QUANTUM VEL QUID æQUIUS, MELIUS*, *Cic. de Offic. iii. 15. Q. Rosc. 4. Topic. 17.*

#### IV. DIFFERENT KINDS OF JUDGES; JUDICES, ARBITRI, RECUPERATORES, ET CENTUMVIRI.

AFTER the form of the writ was made out (*concepta actionis intentione*), and shown to the defendant, the plaintiff requested of the prætor to appoint one person or more to judge of it (*judicem vel judicium in eam a prætore postulabat*). If he only asked one, he asked a *judex*, properly so called, or an *arbiter*; If he asked more than one (*judicium*), he asked either those who were called *Recuperatores* or *Centumviri*.

1. A *JUDEX* judged both of fact and of law, but only in such cases as were easy and of smaller importance, and which he was obliged to determine according to an express law or a certain form prescribed to him by the prætor.

2. AN *ARBITER* judged in those causes which were called *bonæ fidei*, and arbitrary, and was not restricted by any law or form, (*totius rei arbitrium habuit et potestatem*, he determined what seemed equitable, in a thing not sufficiently defined by law, *Festus*.) *Cic. pro Rosc. Com. 4, 5. Off. iii. 16. Topic. 10. Senec. de Benef. iii. 3. 7.* Hence he is called *HONORARIUS*, *Cic. Tusc. v. 41. de Fato, 17. Ad arbitrum vel judicem ire, adire, confugere*, *Cic. pro Rosc. Com. 4., arbitrum sumere*, *ibid., capere*, *Ter. Heaut. iii. 1. 94. Adelph. i. 2. 43. ARBITRUM ADIGERE*, i. e. *ad arbitrum agere vel cogere*, to force one to submit to an arbitration, *Cic. Off. iii. 16. Top. 10. Ad arbitrum vocare vel appellere*, *Plaut. Rud. iv. 3. 99. 104. AD vel APUD JUDICEM, agere, experiri, litigare, petere*. But *arbiter* and *judex*, *arbitrium* and *judicium*, are sometimes confounded, *Cic. Rosc. Com. 4. 9. Am. 39. Mur. 12. Quint. 3. Arbiter* is also sometimes put for *TESTIS*, *Flacc. 36. Sallust. Cat. 20. Liv. ii. 4.,* or for the master or director of a feast, *arbiter bibendi*, *Hor. Od. ii. 7. 23., arbiter Adriæ*, ruler, *Id. i. 3., maris*, having a prospect of, *Id. Epist. i. 11. 26.*

A person chosen by two parties by compromise (*ex compromisso*), to determine a difference without the appointment of the prætor, was also called *arbiter*, but more properly *COMPROMISSARIUS*.

3. *RECUPERATORES* were so called, because by them every one recovered his own, *Theophil. ad Inst.* This name at first was given to those who judged between the Roman people and foreign states about recovering and restoring private things, *Festus* in *RECUPERATIO*; and hence it was transferred to those judges who were appointed by the prætor for a similar purpose in private controversies, *Plaut. Bacch. ii. 3. v. 86. Cic. in Cæcin. 1. &c. Cæcil. 17.* But after-

wards they judged also about other matters, *Liv.* xxvi. 48. *Suet. Ner.* 17. *Domit.* 8. *Gell.* xx. 1.\* They were chosen from Roman citizens at large, according to some; but more probably, according to others, from the JUDICES SELECTI, (*ex albo judicum*, from the list of judges,) *Plin. Ep.* iii. 20., and in some cases only from the senate, *Liv.* xliii. 2. So in the provinces, (*ex conventu Romanorum civium*, i. e. *ex Romanis civibus qui juris et judiciorum causâ in certum locum CONVENIRE solebant*. (See p. 146.) *Cic. Verr.* ii. 13. v. 5. 36. 59. 69. *Cæs. de Bell. Civ.* ii. 20. 36. iii. 21. 29., where they seem to have judged of the same causes as the *Centumviri* at Rome, *Cic. Verr.* iii. 11. 13. 28. 59. A trial before the *Recuperatores* was called JUDICIUM RECUPERATORIUM, *Cic. de Invent.* ii. 20. *Suet. Vespas.* 3., *cum aliquo recuperatores sumere, vel eum ad recuperatores adducere*, to bring one to such a trial, *Liv.* xliii. 2.

4. CENTUMVIRI were judges chosen from the thirty-five tribes, three from each; so that properly there were 105, but they were always named by a round number, CENTUMVIRI, *Festus*. The causes which came before them (*causæ centumvirales*) are enumerated by Cicero, *de Orat.* i. 38. They seem to have been first instituted soon after the creation of the prætor *Peregrinus*. They judged chiefly concerning testaments and inheritances, *Cic. ibid.* — *pro Cæcia.* 18. *Valer. Max.* vii. 7. *Quinctil.* iv. 1. 7. *Plin.* iv. 8. 32.

After the time of Augustus they formed the Council of the prætor, and judged in the most important causes, *Tacit. de Orat.* 38., whence trials before them (JUDICIA CENTUMVIRALIA) are sometimes distinguished from private trials, *Plin. Ep.* i. 18. vi. 4. 33. *Quinctil.* iv. 1. v. 10.; but these were not criminal trials, as some have thought, *Suet. Vesp.* 10., for in a certain sense all trials were public (JUDICIA PUBLICA), *Cic. pro Arch.* 2.

The number of the *Centumviri* was increased to 180, and they were divided into four councils, *Plin. Ep.* i. 18. iv. 24. vi. 33. *Quinctil.* xii. 5.; hence QUADRUPLEX JUDICIUM, is the same as CENTUMVIRALE, *ibid.*; sometimes only into two, *Quinctil.* v. 2. xi. 1.; and sometimes in important causes they judged altogether, *Valer. Max.* vii. 8. 1. *Plin. Ep.* vi. 33. A cause before the *Centumviri* could not be adjourned, *Plin. Ep.* i. 18.

Ten men (DECEMVIRI), see p. 134., were appointed, five senators and five equites, to assemble these councils, and preside in them in the absence of the prætor, *Suet. Aug.* 36.

Trials before the *centumviri* were held usually in the *Basilica Julia*, *Plin. Ep.* ii. 24. *Quinctil.* xii. 5., sometimes in the *Forum*. They had a spear set upright before them, *Quinctil.* v. 2. Hence *judicium hastæ*, for CENTUMVIRALE, *Valer. Max.* vii. 8. 4., *Centumviralem hastam cogere*, to assemble the courts of the *Centumviri*, and preside in them, *Suet. Aug.* 36. So, CENTUM GRAVIS HASTA VIRORUM, *Mart. Epig.* vii. 62. *Cessat centeni moderatrix judicis hasta*, *Stat. Sylv.* iv. 4. 43.

The *centumviri* continued to act as judges for a whole year, but the other *judices* only till the particular cause was determined for which they were appointed.

\* *Tac. Ann.* i. 74. De pecuniis repetundis ad recuperatores itum est.

The DECEMVIRI also judged in certain causes, *Cic. Cæcin.* 33. *Dom.* 29., and it is thought that in particular cases they previously took cognizance of the causes which were to come before the *centumviri*, and their decisions were called PRÆJUDICIA, *Sigonius de Judic.*

## V. THE APPOINTMENT OF A JUDGE OR JUDGES.

OF the above-mentioned judges the plaintiff proposed to the defendant (*adversario FEREBAT*), such judge or judges as he thought proper, according to the words of the *sponsio*, NI ITA ESSET. Hence, JUDICEM vel *-es FERRE* ALICUI, NI ITA ESSET, to undertake to prove before a judge or jury that it was so, *Liv.* iii. 24. 57. viii. 33. *Cic. Quint.* 15. *de Orat.* ii. 65., and asked that the defendant would be content with the judge or judges whom he named, and not ask another, (*ne alium PROCARET*, i. e. *posceret*, Festus.) If he approved, then the judge was said to be agreed on, CONVENIRE, *Cic. pro Q. Rosc.* 15. *Cluent.* 43. *Valer. Max.* ii. 8. 2., and the plaintiff requested of the prætor to appoint him in these words, PRÆTOR, JUDICEM ARBITRUMVE POSTULO, UT DES IN DIEM TERTIUM SIVE PERENDINUM, *Cic. pro Mur.* 12. *Valer. Prob. in Notis*, and in the same manner *recuperatores* were asked, *Cic. Verr.* iii. 58. Hence, *judices dare*, to appoint one to take his trial before the ordinary *judices*, *Plin. Ep.* iv. 9. But *centumviri* were not asked, unless both parties subscribed to them, *Plin. Ep.* v. 1.

If the defendant disapproved of the judge proposed by the plaintiff, he said, HUNC EJERO vel NOLO, *Cic. de Orat.* ii. 70., *Plin. Paneg.* 36. Sometimes the plaintiff desired the defendant to name the judge (UT JUDICEM DICERET), *Liv.* iii. 56.

The judge or judges agreed on by the parties were appointed (*DABANTUR vel ADDICEBANTUR*) by the prætor, with a certain form answering to the nature of the action. In these forms the prætor always used the words SI PARET, i. e. *apparet*: thus, C. ACQUILLI; JUDEX ESTO, SI PARET, FUNDUM CAPENATEM, DE QUO SERVILIUS AGIT CUM CATULO, SERVILII ESSE EX JURE QUIRITUM, NEQUE IS SERVILIO A CATULO RESTITUATUR, TUM CATULUM CONDEMNA. But if the defendant made an exception, it was added to the form, thus: EXTRA QUAM SI TESTAMENTUM PRODATUR, QUO APPAREAT CATULI ESSE. If the prætor refused to admit the exception, an appeal might be made to the tribunes, *Cic. Acad. Quæst.* iv. 30. The prætor, if he thought proper, might appoint different judges from those chosen by the parties, although he seldom did so; and no one could refuse to act as a *judex*, when required, without a just cause, *Suet. Claud.* 15. *Plin. Ep.* iii. 20. x. 66.

The prætor next prescribed the number of witnesses to be called (*quibus denunciaretur testimonium*), which commonly did not exceed ten. Then the parties, or their agents (PROCURATORES), gave security (SATISDABANT) that what was decreed would be paid, and the sentence of the judge held ratified (JUDICATUM SOLVI et REM RATAM HABERI).

In arbitrary causes, a sum of money was deposited by both parties, called COMPROMISSUM, *Cic. pro Rosc. Com.* 4. *Verr.* ii. 27. *ad*

*Q. Fratr.* ii. 15., which word is also used for a mutual agreement, *Cic. Fam.* xii. 30.

In a personal action, the *procuratores* only gave security; those of the plaintiff, to stand to the sentence of the judge; and those of the defendant, to pay what was decreed, *Cic. Quint.* 7. *Att.* xvi. 15.

In certain actions, the plaintiff gave security to the defendant that no more demands should be made upon him on the same account (*eo nomine a se NEMINEM AMPLIUS vel POSTEA PETITURUM*), *Cic. Brut.* 5. *Rosc. Com.* 12. *Fam.* xiii. 29.

After this followed the LITIS CONTESTATIO, or a short narration of the cause by both parties, corroborated by the testimony of witnesses, *Cic. Att.* xvi. 15. *Rosc. Com.* 11, 12. 18. *Festus. Macrob. Sat.* iii. 9.

The things done in court before the appointment of the *judices*, were properly said IN JURE FIERI; after that, IN JUDICIO: but this distinction is not always observed.

After the *judex* or *judices* were appointed, the parties warned each other to attend the third day after (*inter se in perendinum diem, ut ad judicium venirent denunciabant*), which was called COMPERENDINATIO, or CONDUCTIO, *Ascon. in Cic. Festus. Gell.* xiv. 2. But in a cause with a foreigner, the day was called DIES STATUS, *Macrob. Sat.* i. 16. STATUS *conductus cum hoste* (i. e. cum peregrino, *Cic. Off.* i. 32.) DIES, *Plaut. Curc.* i. 1. 5. *Gell.* xvi. 4.

## VI. THE MANNER OF CONDUCTING A TRIAL.

WHEN the day came, the trial went on, unless the judge, or some of the parties, was absent from a necessary cause (*ex morbo vel causa sontica*, *Festus*), in which case the day was put off (DIFFISSUS EST, i. e. *prolatus*, *Gell.* xiv. 2.).

If the judge was present, he first took an oath that he would judge according to law to the best of his judgment (EX ANIMI SENTENTIA), *Cic. Acad. Q.* 47., at the altar (*aram tenens*, *Cic. Flacc.* 36.), called PUTEAL LIBONIS, or *Scribonianum*, because that place, being struck with thunder (*fulmine attactus*), had been expiated (*procuratus*) by Scribonius Libo, who raised over it a stone covering (*suggestum lapideum cavum*), the covering of a well (*putei operculum, vel PUTEAL*), open at the top (*superne apertum*, *Festus*), in the Forum; near which the tribunal of the prætor used to be, *Horat. Sat.* ii. 6. 35. *Ep.* i. 19. 8., and where the usurers met, *Cic. Sext.* 8. *Ovid. de Rem. Am.* 561. It appears to have been different from the *Puteal*, under which the whetstone and razor of Attius Navius were deposited, *Cic. de Divin.* i. 17., in the *comitium*, at the left side of the senate-house, *Liv.* i. 36.

The Romans, in solemn oaths, used to hold a flint-stone in their right hand, saying, SI SCIENS FALLO, TUM ME DIESPITER, SALVA URBE ARCEQUE, BONIS EJICIAT, UT EGO HUNC LAPIDEM. *Festus in LAPIS.* Hence, *Jovem lapidem jurare*, for *per Jovem et lapidem*, *Cic. Fam.* viii. 1. 12. *Liv.* xxi. 45. xxii. 53. *Gell.* i. 21. The *formula* of taking an oath we have in *Plaut. Rud.* v. 2. 45. &c., and an account of different forms, *Cic. Acad.* iv. 47. The most solemn oath of the Romans was by their faith and honour, *Dionys.* ix. 10. 48. xi. 54.



The *judex* or *judices*, after having sworn, took their seats in the *subsellia* (*quasi ad pedes prætoris*); whence they were called JUDICES PEDANEI: and SEDERE is often put for COGNOSCERE, to judge, *Plin. Ep. v. 1. vi. 38.*, SEDERE AUDITURUS, *Id. vi. 31.* SEDERE is also applied to an advocate while not pleading, *Plin. Ep. iii. 9. f.*

The *judex*, especially if there was but one, assumed some lawyers to assist him with their counsel (*sibi advocavit, ut in consilio adessent*, *Cic. Quint. 2.*, *in consilium rogavit*, *Gell. xiv. 2.*), whence they were called CONSILIARII, *Suet. Tib. 33. Claud. 12.*

If any of the parties were absent without a just excuse, he was summoned by an edict (see p. 112.), or lost his cause, *Cic. Quint. 6.* If the prætor pronounced an unjust decree in the absence of any one, the assistance of the tribunes might be implored, *ibid. 20.*

If both parties were present, they first were obliged to swear, that they did not carry on the lawsuit from a desire of litigation (CALUMNIAM JURARE, *vel de calumnia*), *Liv. xxxiii. 49. Cic. Fam. viii. 8. 1. 16. D. de jurej. Quod injuratus in codicem referre noliit, sc. quia falsum erat, id jurare in litem non dubitet, i. e. id sibi deberi, jurejurando confirmare, litis obtinendæ causâ*, *Cic. pro Rosc. Com. 1.*

Then the advocates were ordered to plead the cause, which they did twice, one after another, in two different methods, *Appian. de Bell. Civ. i. p. 663.*; first briefly, [by stating what are now technically termed the points of the case,] which was called CAUSÆ CONJECTIO, *quasi causæ in breve COACTIO*, *Ascon. in Cic.\**, and then in a formal oration (*justâ oratione perorabant*, *Gell. xvii. 2.*), they explained the state of the cause, and proved their own charge (*actionem*) or defence (*inficiationem vel exceptionem*) by witnesses and writings (*testibus et tabulis*), and by arguments drawn from the case itself (*ex ipsâ re deductis*), *Cic. pro P. Quint. et Rosc. Com. Gell. xiv. 2.*; and here the orator chiefly displayed his art, *Cic. de Orat. ii. 42, 43, 44. 79. 81.* To prevent them, however, from being too tedious (*ne in immensum evagarentur*), it was ordained by the Pompeian law, in imitation of the Greeks, that they should speak by an hour-glass, (*ut ad CLEPSYDRAM dicerent, i. e. vas vitreum, graciliter fistulatum, in fundo cujus erat foramen, unde aqua guttatim efflueret, atque ita tempus metiretur; a water-glass, somewhat like our sand-glasses, Cic. de Orat. iii. 34.*). How many hours were to be allowed to each advocate was left to the *judices* to determine, *Cic. Quint. 9. Plin. Ep. i. 20. 23. iv. 9. ii. 11. 14. vi. 2. 5. Dial. de Caus. Corr. Elog. 38.* These glasses were also used in the army, *Veget. iii. 8. Cæs. de Bell. G. v. 13.* Hence, *dare vel petere plures clepsydras*, to ask more time to speak: *Quoties judico, quantum quis plurimum postulat aquæ do*, I give the advocates as much time as they require, *Plin. Ep. vi. 2.* The *clepsydræ* were of a different length; sometimes three of them in an hour, *Plin. Ep. ii. 11.*

The advocate sometimes had a person by him to suggest (*qui subjiceret*) what he should say, who was called MINISTRATOR, *Cic. de Orat. ii. 75. Flacc. 22.†* A forward noisy speaker was called RABULA

\* "The expression is as old as the Twelve Tables, *In foro aut comitio, ante meridiem causam conjicito.*" — Crombie's G. ii. 402.

† The *ministratores* appear to be the same with the *pragmatici* mentioned by Juvenal, *Sat. vii. 123.*, who suggested to those who were pleading the various points

(*a rabie, quasi LATRATOR*), vel *proclamator*, a brawler or wrangler, *Cic. de Orat. i. 46.*

Under the emperors, advocates used to keep persons in pay (*conducti et redempti MANCIPES*) to procure for them an audience, or to collect hearers (*coronam colligere, auditores, v. audituros corrogare*), who attended them from court to court (*ex judicio in judicium*), and applauded them, while they were pleading, as a man who stood in the middle of them gave the word (*quum μισθους dedit signum*). Each of them for this service received his dole (*sportula*), or a certain hire (*par merces*, usually three *denarii*, near 2*s.* of our money); hence they were called *LAUDICENI*, i. e. *qui ob cœnam laudabant*. [*Juv. xiii. 33. Hor. Ep. i. 19. 37.*] This custom was introduced by one *Largius Licinius*, who flourished under *Nero* and *Vespasian*; and is greatly ridiculed by *Pliny, Ep. ii. 14.* See also, *vi. 2.* When a client gained his cause, he used to fix a garland of green palm (*virides palmæ*) at his lawyer's door, *Juvenal. vii. 118.*

When the judges heard the parties, they were said *iis OPERAM DARE*, *l. 18. pr. D. de judic.* How inattentive they sometimes were, we learn from *Macrobius, Saturnal. ii. 12.*

## VII. THE MANNER OF GIVING JUDGMENT.

THE pleadings being ended (*causâ utrinque peroratâ*), judgment was given after mid-day, according to the law of the Twelve Tables, *POST MERIDIEM PRÆSENTI* (*etiamsi unus tantum præsens sit*), *LITEM AD- DICTO*, i. e. *decidito*, *Gell. xvii. 2.*

If there was any difficulty in the cause, the judge sometimes took time to consider it, *diem diffindi*, i. e. *differri jussit, UT AMPLIUS DELIBERARET* (*Ter. Phorm. ii. 4. 17.*); if, after all, he remained uncertain, he said (*dixit vel juravit*), *MIHI NON LIQUET*, I am not clear, *Gell. xiv. 2.* And thus the affair was either left undetermined (*injudicata*), *Gell. v. 10.*, or the cause was again resumed (*secunda actio instituta est*), *Cic. Cæcin. 2.*

If there were several judges, judgment was given according to the opinion of the majority (*sententia lata est de plurium sententiâ*); but it was necessary that they should be all present. If their opinions were equal, it was left to the prætor to determine, *l. 28. 36. 38. D. de re jud.* The judge commonly retired (*secessit*) with his assessors to deliberate on the case, and pronounced judgment according to their opinion (*ex consilii sententiâ*), *Plin. Ep. v. l. vi. 31.*

The sentence was variously expressed: in an action of freedom, thus, *VIDERI SIBI HUNC HOMINEM LIBERUM*; in an action of injuries, *VIDERI JURE FECISSE vel NON FECISSE*; in actions of contracts, if the cause was given in favour of the plaintiff, *TITIUM SEIO CENTUM CONDEMNO*; if in favour of the defendant, *SECUNDUM ILLUM LITEM DO*, *Val. Max. ii. 8. 2.*

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connected with the law of the question. For this they received a certain portion of the fee,

——— “ Si contigit aureus unus,  
Inde cadunt partes, ex fœdere pragmaticorum.”

“ If you should be so lucky as to get a piece of gold (*aureus*) for a fee, you must forthwith share it amongst the *pragmatici*, according to agreement.”

An *arbiter* gave judgment (*arbitrium pronunciavit*) thus: ARBITROR TE HOC MODO SATISFACERE ACTORI DEBERE. If the defendant did not submit to his decision, then the *arbiter* ordered the plaintiff to declare upon oath, at how much he estimated his damages (*quanti litem aestimaret*), and then he passed sentence (*sententiam tulit*), and condemned the defendant to pay him that sum: thus, CENTUM DE QUIBUS ACTOR IN LITEM JURAVIT REDDE, l. 18. D. *de dolo malo*.

### VIII. WHAT FOLLOWED AFTER JUDGMENT WAS GIVEN.

AFTER judgment was given, and the lawsuit was determined (*lite dijudicatâ*), the conquered party was obliged to do or pay what was decreed (JUDICATUM FACERE *vel* SOLVERE); and if he failed, or did not find securities (*sponsores vel vindices*) within thirty days, he was given up (JUDICATUS, i. e. *damnatus et addictus est*), by the prætor to his adversary (to which custom Horace alludes, *Od.* iii. 3. 23.), and led away (ABDUCTUS) by him to servitude, *Cic. Flacc.* 19. *Liv.* vi. 14. 34. &c. *Plaut. Poen.* iii. 3. 94. *Asin.* v. 2. 87. *Gell.* xx. 1. These thirty days are called, in the Twelve Tables, DIES JUSTI; REBUS JURE JUDICATIS, XXX DIES JUSTI SUNTO, POST DEINDE MANUS INJECTIO ESTO, IN JUS DUCITO. See p. 45.

After sentence was passed, the matter could not be altered: hence AGERE ACTUM, to labour in vain, *Cic. Amic.* 22. *Attic.* ix. 18. *Ter. Phorm.* ii. 2. 72. *Actum est*; *acta est res*; *perii*, all is over, I am undone, *Ter. Andr.* iii. 1. 7. *Adelph.* iii. 2. 7. *Cic. Fam.* xiv. 3. *Actum est de me*, I am ruined, *Plaut. Pseud.* i. 1. 83. *De Servio actum rati*, that all was over with Servius, that he was slain, *Liv.* i. 47. So *Suet. Ner.* 42. *Actum* (i. e. *ratum*) *habebo quod egeris*, *Cic. Tusc.* iii. 21.

In certain cases, especially when any mistake or fraud had been committed, the prætor reversed the sentence of the judges (*rem judicatam rescidit*), in which case he was said *damnatos* IN INTEGRUM RESTITUERE, *Cic. Verr.* v. 6. *Cluent.* 36. *Ter. Phorm.* ii. 4. 11., or JUDICIA RESTITUERE, *Cic. Verr.* ii. 26.

After the cause was decided, the defendant, when acquitted, might bring an action against the plaintiff for false accusation (ACTOREM CALUMNIÆ POSTULARE), *Cic. pro Cluent.* 31. Hence, CALUMNIA *litium*, i. e. *lites per calumniam intentæ*, unjust lawsuits, *Cic. Mil.* 27. *Calumniarum metum injicere*, of false accusations, *Suet. Cæs.* 20. *Vitel.* 7. *Domit.* 9. *Ferre calumniam*, i. e. *calumniæ convictum esse*, *vel calumniæ damnari aut de calumnia*, *Cic. Fam.* viii. 8. *Gell.* xiv. 2. *Calumniam non effugiet*, he will not fail to be condemned for false accusation, *Cic. Cluent.* 59. — *Injuriae existunt CALUMNIA*, i. e. *callida et malitiosa juris interpretatione*, *Cic. Off.* i. 10. CALUMNIA *timoris*, the misrepresentation of fear, which always imagines things worse than they are, *Fam.* vi. 7. *Calumnia religionis*, a false pretext of, *ibid.* i. 1. *calumnia dicendi*, speaking to waste the time, *Att.* iv. 3. CALUMNIA *paucorum*, detraction, *Sallust. Cat.* 30. *Cic. Acad.* iv. 1. So CALUMNIARI, *falsam litem intendere*, et *calumniator*, &c.

There was also an action against a judge, if he was suspected of

having taken money from either of the parties, or to have wilfully given wrong judgment (*dolo malo vel imperitiâ*). Corruption in a judge was, by the law of the Twelve Tables, punished with death; but afterwards as a crime of extortion (*repetundarum*).

If a judge, from partiality or enmity, (*gratiâ vel inimiciâ*), evidently favoured either of the parties, he was said *LITEM SUAM FACERE*, *Ulpian. Gell. x. 1.* Cicero applies this phrase to an advocate too keenly interested for his client, *de Orat. ii. 75.*

In certain causes the assistance of the tribunes was asked, (*TRIBUNI APPELLABANTUR*), *Cic. Quint. 7. 20.*

As there was an appeal (*APPELLATIO*) from an inferior to a superior magistrate, *Liv. iii. 56.*, so also from one court or judge to another, (*ab inferiore ad superius tribunal, vel ex minore ad majorem judicem, prætextu iniqui gravaminis, of a grievance, vel injustæ sententiæ, Ulpian.*) The appeal was said *ADMITTI, RECIPI, NON RECIPI, REPUDIARI*. He to whom the appeal was made, was said, *DE vel EX APPELLATIONE COGNOSCERE, JUDICARE, SENTENTIAM DICERE, PRONUNCIARE APPELLATIONEM JUSTAM vel INJUSTAM ESSE.*

After the subversion of the republic, a final appeal was made to the emperor, both in civil and criminal affairs, *Suet. Aug. 33. Dio. lii. 33. Act. Apost. xxv. 11.*, as formerly to the people (*PROVOCATIO*) in criminal trials, *Suet. Cæs. 12.*

At first this might be done freely (*antea vacuum id solutumque pœnâ fuerat*), but afterwards under a certain penalty, *Tacit. Annal. xiv. 28.* Caligula prohibited any appeal to him, (*magistratibus liberam jurisdictionem, et sine sui provocatione concessit*), *Suet. Cal. 16.* Nero ordered all appeals to be made from private judges to the senate, *Suet. Ner. 17.*, and under the same penalty as to the emperor, (*ut ejusdem pecuniæ periculum facerent, cujus ii, qui imperatorem appellavere*), *Tacit. ibid.* So Hadrian, *Digest. xlv. 2. 2.* Even the emperor might be requested, by a petition (*LIBELLO*), to review his own decree (*SENTENTIAM SUAM RETRACTARE*).

## II. CRIMINAL TRIALS (*PUBLICA JUDICIA*).

CRIMINAL trials were at first held (*exercebantur*) by the kings, *Dionys. ii. 14.*, with the assistance of a council (*cum consilio*), *Liv. i. 49.* The king judged of great crimes himself, and left smaller crimes to the judgment of the senators.

Tullus Hostilius appointed two persons (*DUUMVIRI*) to try Horatius for killing his sister (*qui Horatio perduellionem judicarent*), and allowed an appeal from their sentence to the people, *Liv. i. 26.* Tarquinius *Superbus* judged of capital crimes by himself alone, without any counsellors, *Liv. i. 49.*

After the expulsion of Tarquin, the consuls at first judged and punished capital crimes, *Liv. ii. 5. Dionys. x. 1.* But after the law of Poplicola concerning the liberty of appeal, (see p. 101.) the people either judged themselves in capital affairs, or appointed certain persons for that purpose, with the concurrence of the senate, who were called *QUÆSITORES*, or *Quæstores parricidii*, (see p. 114.) Sometimes the consuls were appointed, *Liv. iv. 51.* Sometimes a dictator and master of horse, *Liv. ix. 26.*, who were then called *QUÆSITORES*.

The senate also sometimes judged in capital affairs, *Sallust. Cat.* 51, 52., or appointed persons to do so, *Liv.* ix. 26.

But after the institution of the *Quæstiones perpetuæ*, (see p. 114.) certain prætors always took cognizance of certain crimes, and the senate or people seldom interfered in this matter, unless by way of appeal, or on extraordinary occasions.\*

## I. CRIMINAL TRIALS BEFORE THE PEOPLE.

TRIALS before the people (*JUDICIA ad populum*) were at first held in the *Comitia Curiata*, *Cic. pro Mil.* 3. Of this, however, we have only the example of Horatius, *ibid.*

After the institution of the *Comitia Centuriata* and *Tributa*, all trials before the people were held in them; capital trials in the *Comitia Centuriata*, and concerning a fine, in the *Tributa*.

Those trials were called CAPITAL, which respected the life or liberty of a Roman citizen. There was one trial of this kind held in the *Comitia* by tribes; namely, of Coriolanus, *Liv.* ii. 35.; but that was irregular, and conducted with violence, *Dionys.* vii. 38. &c.

Sometimes a person was said to undergo a capital trial, *periculum capitis adire, causam capitis vel pro capite dicere*, in a civil action, when, besides the loss of fortune, his character was at stake, (*cum judicium esset de famâ fortunisque*), *Cic. pro Quint.* 9. 13. 15. *Off.* i. 12.

The method of proceeding in both *Comitia* was the same; and it was requisite that some magistrate should be the accuser.

In the *Comitia Tributa*, the inferior magistrates were usually the accusers, as the tribunes or ædiles, *Liv.* iii. 55. iv. 21. *Val. Max.* vi. 1. 7. *Gell.* x. 6. In the *Comitia Centuriata*, the superior magistrates, as the consuls or prætors, sometimes also the inferior, as the quæstors or tribunes, *Liv.* ii. 41. iii. 24, 25. vi. 20. But they are supposed to have acted by the authority of the consuls.

No person could be brought to a trial unless in a private station. But sometimes this rule was violated, *Cic. pro Flacc.* 3. *Liv.* xliii. 16.

The magistrate who was to accuse any one, having called an assembly, and mounted the *Rostra*, declared that he would, against a certain day, accuse a particular person of a particular crime, and ordered that the person accused (*reus*) should then be present. This was called DICERE DIEM, *sc. accusationis, vel diei dictio*. In the mean time the criminal was kept in custody, unless he found persons to give security for his appearance, (*SPONSORES eum in judicio ad diem dictam sistendi, aut mulctam, qua damnatus esset, solvendi*), who, in a capital trial, were called VADES, *Liv.* iii. 13. xxv. 4., and for a fine, PRÆDES, *Gell.* vii. 19. *Auson. Eidyll.* 347. (*a præstando*, *Varr.* iv.

\* When a special commission was appointed by Pompey, A. U. 701, during his consulship, to inquire into the death of Clodius, an extraordinary judge, of consular rank, was appointed to preside in it, and other alterations in the method of conducting trials were made, as mentioned p. 188. Cælius opposed his negative to these laws, as being rather privileges than laws (see p. 21.), and provided particularly against Milo, but was obliged to withdraw it, upon Pompey's declaring that he would support them by force of arms. — See *Middleton's Life of Cicero*, i. 432.



4.); thus, *Præstare aliquem*, to be responsible for one, *Cic. ad Q. Fr. i. 1. 3.*, *Ego Messalam Cæsari præstabo*, *ib. iii. 8.* So, *Att. vi. 3.* *Plin. Pan. 83.*

When the day came, the magistrate ordered the criminal to be cited from the *Rostra* by a herald, *Liv. xxxviii. 51.* *Suet. Tib. 11.* If the criminal was absent without a valid reason (*sine CAUSA SONTICA*), he was condemned. If he was detained by indisposition or any other necessary cause, he was said to be excused (*EXCUSARI*), *Liv. ibid. 52.*, and the day of trial was put off (*dies PRODICTUS vel productus est*).

Any equal or superior magistrate might, by his negative, hinder the trial from proceeding, *ibid.*

If the criminal appeared, (*si reus se stitisset, vel si sisteretur*), and no magistrate interceded, the accuser entered upon his charge (*accusationem instituebat*), which was repeated three times, with the intervention of a day between each, and supported by witnesses, writings, and other proofs. In each charge the punishment or fine was annexed, which was called *ANQUISITIO*. Sometimes the punishment at first proposed was afterwards mitigated or increased. *In mulctâ temperârunt tribuni: quum capitis anquisissent*, *Liv. ii. 52.* *Quum tribunus bis pecuniâ anquisisset; tertio se capitis anquirere diceret, &c. Tum perduellionis se judicare Cn. Fulvio dixit*, that he prosecuted Fulvius for treason, *Liv. xxvi. 3.*

The criminal usually stood under the *Rostra* in a mean garb, where he was exposed to the scoffs and raileries (*probris et conviciis*) of the people, *ibid.*

After the accusation of the third day was finished, a bill (*ROGATIO*) was published for three market-days, as concerning a law, in which the crime and the proposed punishment or fine was expressed. This was called *MULCTÆ PŒNÆVE IRROGATIO*; and the judgment of the people concerning it, *MULCTÆ PŒNÆVE CERTATIO*, *Cic. de Legg. iii. 3.* For it was ordained that a capital punishment and a fine should never be joined together (*ne pœna capitis cum pecuniâ conjungeretur*), *Cic. pro Dom. 17.* (*Tribuni plebis, omissâ mulctæ certatione, rei capitalis Posthumio dixerunt*), *Liv. xxv. 4.*

On the third market-day, the accuser again repeated his charge; and the criminal, or an advocate (*patronus*) for him, was permitted to make his defence, in which every thing was introduced which could serve to gain the favour of the people, or move their compassion, *Cic. pro Rabir. Liv. iii. 12. 58.*

Then the *Comitia* were summoned against a certain day, in which the people, by their suffrages, should determine the fate of the criminal. If the punishment proposed was only a fine, and a tribune the accuser, he could summon the *Comitia Tributa* himself; but if the trial was capital, he asked a day for the *Comitia Centuriata* from the consul, or, in his absence, from the prætor, *Liv. xxvi. 3. xliii. 16.* In a capital trial the people were called to the *Comitia* by a trumpet (*classico*), *Seneca de Irâ, i. 16.*

The criminal and his friends, in the mean time, used every method to induce the accuser to drop his accusation (*accusatione desistere*). If he did so, he appeared in the assembly of the people, and said, *SEMPRONIUM NIHIL MOROR*, *Liv. iv. 42. vi. 5.* If this could



not be effected, the usual arts were tried to prevent the people from voting, (see p. 84.) or to move their compassion, *Liv.* vi. 20. xliii. 16. *Gell.* iii. 4.

The criminal, laying aside his usual robe (*toga alba*), put on a *sordid*, i. e. a ragged and old gown (*sordidam et obsoletam*), *Liv.* ii. 61. *Cic. Verr.* i. 58., not a mourning one (*pullam vel atram*), as some have thought; and in this garb went round and supplicated the citizens; whence *sordes* or *squalor* is put for guilt, and *sordidati* or *squalidi* for criminals. His friends and relations, and others who chose, did the same, *Liv.* iii. 58. *Cic. pro Sext.* 14. When Cicero was impeached by Clodius, not only the *equites*, and many young noblemen of their own accord (*privato consensu*), but the whole senate, by public consent (*publico consilio*), changed their habit (*vestem mutabant*), on his account, *ibid.* 11. 12., which he bitterly complains was prohibited by an edict of the consuls, c. 14. *Pis.* 8. 18. *post redit. in Sen.* 7. *Dio.* xxxvii. 16.

The people gave their votes in the same manner in a trial as in passing a law. (See p. 87.) *Liv.* xxv. 4.

If any thing prevented the people from voting on the day of the *Comitia*, the criminal was discharged, and the trial could not again be resumed, (*si qua res illum diem aut auspiciis aut excusatione sustulit, tota causa judiciumque sublatum est*), *Cic. pro Dom.* 17. Thus Metellus Celer saved Rabirius from being condemned, who was accused of the murder of Saturnius forty years after it happened, *Cic. pro Rabir.*, by pulling down the standard which used to be set up in the Janiculum, (see p. 80.) and thus dissolving the assembly, *Dio.* xxxvii. 27.

If the criminal was absent on the last day of his trial, when cited by the herald, he anciently used to be called by the sound of a trumpet, before the door of his house, from the citadel, and round the walls of the city, *Varr. de Lat. Ling.* v. 9. If still he did not appear, he was banished (*exilium ei sciscebatur*); or if he fled the country through fear, his banishment was confirmed by the *Comitia Tributa*. See p. 92.

## II. CRIMINAL TRIALS BEFORE INQUISITORS.

INQUISITORS (QUÆSITORES) were persons invested with a temporary authority to try particular crimes. They were created first by the kings, *Liv.* i. 26., then by the people, usually in the *Comitia Tributa*, iv. 51. xxxviii. 54., and sometimes by the senate, ix. 26. xliii. 2. In the trial of Rabirius, they were, contrary to custom, appointed by the prætor, *Dio.* xxxvii. 27. *Suet. Cæs.* 12.

Their number varied. Two were usually created (DUUMVIRI), *Liv.* vi. 20., sometimes three, *Sallust. Jug.* 40., and sometimes only one, *Ascon. in Cic. pro Mil.* Their authority ceased when the trial was over, (see p. 114.) The ordinary magistrates were most frequently appointed to be inquisitors; but sometimes also private persons, *Liv. passim*. There was sometimes an appeal made from the sentence of the inquisitors to the people, as in the case of Rabirius, *Suet. Cæs.* 11. *Dio.* xxxvii. 27. Hence, *Deferre judicium a subselliis in rostra*, i. e. *a judicibus ad populum*, *Cic. Cluent.* 6.

Inquisitors had the same authority, and seem to have conducted trials with the same formalities and attendants, as the prætors did after the institution of the *Quæstiones perpetuæ*. To the office of *Quæsitores* Virgil alludes, *Æn.* vi. 432., *Ascon.* in *action.* in *Verr.*

### III. CRIMINAL TRIALS BEFORE THE PRÆTORS.

THE prætors at first judged only in civil causes; and only two of them in these, the prætor *Urbanus* and *Peregrinus*. The other prætors were sent to govern provinces. All criminal trials of importance were held by inquisitors created on purpose.

But after the institution of the *Quæstiones perpetuæ*, A. U. 604, all the prætors remained in the city during the time of their office. After their election they determined by lot their different jurisdictions.

Two of them took cognizance of private causes, as formerly, and the rest presided at criminal trials; one at trials concerning extortion, another at trials concerning bribery, &c. Sometimes there were two prætors for holding trials concerning one crime; as on account of the multitude of criminals, concerning violence, *Cic. pro Cluent.* 53. Sometimes one prætor presided at trials concerning two different crimes, *Cic. pro Cæl.* 13. And sometimes the *Prætor Peregrinus* held criminal trials, as concerning extortion, *Ascon.* in *Cic. in tog. cand.* 2.; so also, according to some, the prætor *Urbanus*.

The prætor was assisted in trials of importance by a council of select *judices* or jurymen; the chief of whom was called JUDEX QUÆSTIONIS, or *Princeps judicium*, *Cic.* & *Ascon.* Some have thought this person the same with the *prætor* or *quæstor*; but they were quite different, *Cic. pro Cluent.* 27. 33. 58. in *Verr.* i. 61. *Quinctil.* viii. 3. The *judex quæstionis* supplied the place of the prætor when absent, or too much engaged.

#### 1. THE CHOICE OF THE JUDICES OR JURY.

THE JUDICES were at first chosen only from among the senators; then, by the *Sempronian* law of C. Gracchus, only from among the *equites*; afterwards, by the *Servilian* law of Cæpio, from both orders; then by the *Glaucian* law, only from the *equites*; by the *Livian* law of Drusus, from the senators and *equites*: but, the laws of Drusus being soon after set aside by a decree of the senate, the right of judging was again restored to the *equites* alone: then, by the *Plautian* law of Silvanus, the *judices* were chosen from the senators and *equites*, and some of them also from the plebeians; then, by the *Cornelian* law of Sylla, only from the senators; by the *Aurelian* law of Cotta, from the senators, the *equites*, and *tribuni ærarii*: by the *Julian* law of Cæsar, only from the senators and *equites*; and by the law of Antony, also from the officers of the army. See *Manutius de Legg.*, for *Sigonius*, and *Heineccius*, who copies him, give a wrong account of this matter.

The number of the *judices* was different at different times: by the law of Gracchus, 300; of Servilius, 450; of Drusus, 600; of Plautius,

525; of Sylla and Cotta, 300, as it is thought, from *Cic. Fam.* viii. 8.; of Pompey, 360, *Paterc.* ii. 76. Under the emperors, the number of *judices* was greatly increased, *Plin.* xxxiii. 1.\*

By the *Servilian* law it behoved the *judices* to be above thirty, and below sixty years of age. By other laws it was required that they should be at least twenty-five, *D.* 4. 8., but Augustus ordered that *judices* might be chosen from the age of twenty (*a vicesimo allegit*), *Suet. Aug.* 32., as the best commentators read the passage.

Certain persons could not be chosen *judices*, either from some natural defect, as *the deaf, dumb, &c.*; or by custom, as *women and slaves*; or by law, as those condemned upon trial of some infamous crime, (*turpi et famoso judicio*, e. g. *calumniæ, prævaricationis, furti, vi bonorum raptorum, injuriarum, de dolo malo, pro socio, mandati, tutela, depositi, &c.*); and, by the Julian law, those degraded from being senators; which was not the case formerly, *Cic. Cluent.* 43. See p. 7.

By the Pompeian law, the *judices* were chosen from among persons of the highest fortune.

The *judices* were annually chosen by the prætor *Urbanus* or *Peregrinus*, according to Dion Cassius, by the quæstors, xxxix. 7., and their names written down in a list (*in ALBUM RELATA, vel albo descripta*), *Suet. Tib.* 51. *Claud.* 16. *Domit.* 8. *Senec. de Benef.* iii. 7. *Gell.* xiv. 2. They swore to the laws, and that they would judge uprightly to the best of their knowledge (*de animi sententiâ*.) The *judices* were prohibited by Augustus from entering the house of any one, *Dio.* liv. 18.

They sat by the prætor on benches, whence they were called his ASSESSORES, or CONSILIUM, *Cic. Act. Verr.* 10., and CONSESSORES to one another, *Cic. Fin.* ii. 19. *Sen. de Benef.* iii. 7. *Gell.* xiv. 2.

The *judices* were divided into DECURIÆ, according to their different orders; thus, DECURIA SENATORIA JUDICUM, *Cic. pro Cluent.* 37., *tertia*, *Phil.* i. 8. *Verr.* ii. 32. Augustus added a fourth *decuria*, *Suet.* 32. *Plin.* xxxiii. 7. (because there were three before, either by the law of Antony, or of Cotta), consisting of persons of an inferior fortune, who were called DUCENarii, because they had only 200,000 sesterces, the half of the estate of an *eques*, and judged in lesser causes. Caligula added a fifth *decuria*, *Suet.* 16. *Plin.* xxxiii. 1. s. 8. Galba refused to add a sixth *decuria*, although strongly urged by many to do it, *Suet.* 14.

The office of a *judex* was attended with trouble, *Cic. in Verr.* i. 8., and therefore, in the time of Augustus, people declined it; but not so afterwards, when their number was greatly increased. *Suet. et Plin. ibid.*

## 2. THE ACCUSER IN A CRIMINAL TRIAL.

ANY Roman citizen might accuse another before the prætor. But it was reckoned dishonourable to become an accuser, unless for the

\* "The number of judges on each trial appears to have varied. In Milo's case (but that was by a special commission) 51 judges sate; 38 condemned him. In that of Gabinius, who was acquitted, of the 72 judges, 32 condemned him. See Middleton's *Cic.* i. 410. 437." — T.

sake of the republic, to defend a client, or to revenge a father's quarrel, *Cic. de Off.* ii. 14. *Divinat.* 20. *Verr.* ii. 47. Sometimes young noblemen undertook the prosecution of an obnoxious magistrate, to recommend themselves to the notice of their fellow-citizens, *Cic. pro Cael.* vii. 30. *in Verr.* i. 38. *Suet. Jul.* 4. *Plutarch. in Lucullo, princ.*

If there was a competition between two or more persons, who should be the accuser of any one, as between Cicero and Cæcilius Judæus, which of them should prosecute Verres, who had been prætor of Sicily, for extortion, it was determined who should be preferred by a previous trial, called DIVINATIO; because there was no question about facts, but the *judices*, without the help of witnesses, *divined*, as it were, what was fit to be done, *Cic. in Cæcil.* 20. *Ascon. in Cic. Gell.* ii. 4. He who prevailed acted as the principal accuser (ACCUSATOR): those who joined in the accusation (*causæ vel accusationi subscribebant*), and assisted him, were called SUBSCRIPTORES, *Cic. in Cæcil.* 15. *pro Mur.* 24. *Fam.* viii. 8. *ad Q. Fratr.* iii. 4.; hence, *subscribere judicium cum aliquo*, to commence a suit against one, *Plin. Ep.* v. 1.

It appears, however, there were public prosecutors of public crimes at Rome, *Cic. pro Sex. Rosc.* 20. *Plin. Epist.* iii. 9. iv. 9., as in Greece, *Cic. de Legg.* iii. 47.

Public informers or accusers (*delatores publicorum criminum*) were called QUADRUPLATOIRES, *Cic. Verr.* ii. 8, 9., either because they received as a reward the fourth part of the criminal's effects, or of the fine imposed upon him; or, as others say, because they accused persons, who, upon conviction, used to be condemned to pay fourfold (*quadrupli damnari*), as those guilty of illegal usury, gaming, or the like, *Cic. in Cæcil.* 7. 22. *et ibi Ascon.* *Paulus apud Festum. Tacit. Annal.* iv. 20. But mercenary and false accusers or litigants (CALUMNIATOIRES) chiefly were called by this name, *Cic. Verr.* ii. 7, 8, 9. *Plaut. Pers.* i. 2. 10., and also those judges who, making themselves parties in a cause, decided in their own favour, (*qui in suam rem litem verterent; interceptores litis alienæ, qui sibi controversiosam adjudicarent rem,*) *Liv.* iii. 72. *Cic. Cæcin.* 23. Seneca calls those who for small favours sought great returns, *Quadruplatores beneficiorum suorum*, overrating or overvaluing them, *de Benef.* viii. 25.

### 3. MANNER OF MAKING THE ACCUSATION.

THE accuser summoned the person accused to court (*in jus vocabat*), where he desired (*postulabat*) of the inquisitor that he might be allowed to produce his charge (*nomen deferre*), and that the prætor would name a day for that purpose, *Cic. Fam.* viii. 6. Hence, *Postulare aliquem de crimine*, to accuse; LIBELLUS POSTULATIONUM, a writing containing the several articles of a charge, a libel, *Plin. Ep.* x. 85.

This *postulatio* or request was sometimes made in the absence of the defendant, *Cic. ad Fratr.* iii. 1. 5. There were certain days on which the prætor attended to these requests, when he was said POSTULATIONIBUS VACARE, *Plin. Epist.* vii. 33.

On the day appointed, both parties being present, the accuser first took (*concipiebat*) a solemn oath, that he did not accuse from malice (*CALUMNIAM JURABAT*), and then the charge was made (*delatio nominis fiebat*) in a set form; thus, DICO, *vel* AIO, TE IN PRÆTURA SPOLIASSE SICULOS, CONTRA LEGEM CORNELIAM, ATQUE EO NOMINE SESTERTIUM MILLIES A TE REPETO, *Cic. in. Cæcil. 5.*

If the criminal was silent, or confessed, an estimate of damages was made out (*lis ei vel ejus æstimabatur*), and the affair was ended; but, if he denied, the accuser requested (*postulavit*) that his name might be entered in the roll of criminals (*ut nomen inter reos reciperetur*, i. e. *ut in tabulam inter reos referretur*), and thus he was said REUM *facere, lege v. legibus, interrogare, postulare: MULCTAM aut pœnam petere et repetere.* These are equivalent to *nomen deferre*, and different from *accusare*, which properly signifies to substantiate or prove the charge, the same with *causam agere*, and opposed to *defendere*, Quintilian, v. 13. 3. *Cic. Cœl. 3. Dio. xxxix. 7. Digest. l. 10. de jure patron.*

If the prætor allowed his name to be enrolled (for he might refuse it, *Cic. Fam. viii. 8.*), then the accuser delivered to the prætor a scroll or tablet (*LIBELLUS*), accurately written, mentioning the name of the defendant, his crime, and every circumstance relating to the crime, which the accuser subscribed, *Plin. Ep. i. 20. v. i.*, or another for him, if he could not write; at the same time binding himself to submit to a certain punishment or fine, if he did not prosecute or prove his charge (*cavebat se in crimine perseveraturum usque ad sententiam*).\*

There were certain crimes which were admitted to be tried in preference to others (*extra ordinem*), as, concerning violence or murder, *Plin. Ep. iii. 9.* And sometimes the accused brought a counter charge of this kind against his accuser, to prevent his own trial, *Cic. Fam. viii. 8. Dio. xxxix. 18.*

Then the prætor appointed a certain day for the trial, usually the tenth day after, *Cic. ad Q. Fratr. ii. 13. Ascon. in Cornel.* Sometimes the thirtieth, as by the *Licinian* and *Julian* laws, *Cic. in Vat. 14.* But, in trials for extortion, the accuser required a longer interval. Thus Cicero was allowed 110 days, that he might go to Sicily, in order to examine witnesses, and collect facts to support his indictment against Verres, although he accomplished it in fifty days, *Ascon. in loc. Cic. Verr. Act. prim. 2.*

In the mean time, the person accused changed his dress (see p. 82.), and sought out persons to defend his cause.

Of defenders (*DEFENSORES*), Asconius mentions four kinds; *PATRONI*, *vel oratores*, who pleaded the cause; *ADVOCATI*, who assisted by their counsel and presence (the proper meaning of the word, *Liv. ii. 55.*); *PROCURATORES*, who managed the business of a person in his absence; and *COGNITORES*, who defended the

\* So Juvenal, when lashing the litigiousness of women: —

“Componunt ipsæ per se, formantque libellos,  
Principium atque locos Celso dictare paratæ.”—vi. 243, 244.

“They not only get up declarations, but are ready to dictate to Celsus (a celebrated lawyer) in what manner to open the cause (*principium*), and also the parts of the *libellus* from which the arguments were to be taken (*locos vel sedes argumenti*).”

cause of a person when present, *Ascon. in Divin. in Cæcil. 4. Festus.* But a cognitor might also defend the cause of a person when absent, *Cic. Verr. ii. 43. Horat. Sat. ii. 5. 28. Cic. Rosc. Com. 18.*; hence put for any defender, *Liv. xxxix. 5.* The *procuratores*, however, and *cognitores*, were used only in private trials, the *patroni* and *advocati* also in public. Before the civil wars, one rarely employed more than four patrons or pleaders, but afterwards often twelve, *Ascon. in Cic. pro Scaur.*

#### 4. MANNER OF CONDUCTING THE TRIAL.

On the day of trial, if the prætor could not attend, the matter was put off to another day. But, if he was present, both the accuser and defendant were cited by a herald. If the defendant was absent, he was exiled. Thus, Verres, after the first oration of Cicero against him, called *actio prima*, went into voluntary banishment; for the five last orations, called *libri in Verrem*, were never delivered, *Ascon. in Verr.* Verres is said to have been afterwards restored by the influence of Cicero, *Senec. Suas. vi. 6.*, and, what is remarkable, perished together with Cicero in the proscription of Antony, on account of his Corinthian vessels, which he would not part with to the Triumvir, *Plin. xxxiv. 2. Lactant. ii. 4.*

If the accuser was absent, the name of the defendant was taken from the roll of criminals (*de reis exemptum est*), *Ascon. in Cic.*

But, if both were present, the *judices* or jury were first chosen, either by lot or by naming (*per SORTITIONEM vel EDITIONEM*), according to the nature of the crime, and the law by which it was tried. If by lot, the prætor or *judex quæstionis* put into an urn the names of all those who were appointed to be *judices* for that year, and then took out by chance (*sorte educebat*) the number which the law prescribed. After which the defendant and accuser were allowed to reject (*rejicere*) such as they did not approve, and the prætor or *judex quæstionis* substituted (*subsortiebatur*) others in their room, till the legal number was completed, *Cic. in Verr. Act. i. 7. Ascon. in Cic.*

Sometimes the law allowed the accuser and defendant to choose the *judices*, in which case they were said *JUDICES EDERE*, and the *judices* were called *EDITITII*, *Cic. pro Muren. 23. Planc. 15. 17.* Thus, by the Servilian law of Glaucia against extortion, the accuser was ordered to name from the whole number of *judices* a hundred, and from that hundred the defendant to choose fifty. By the Licinian law, *de sodalitiis*, the accuser was allowed to name the jury from the people at large, *Cic. pro Planc. 17.*

The *judices* or jury being thus chosen, were cited by a herald. Those who could not attend, produced their excuse, which the prætor might sustain (*accipere*) or not, as he pleased, *Cic. Phil. v. 5.*

When they were all assembled, they swore to the laws, and that they would judge uprightly, *Cic. pro Rosc. Am. 3.* hence called *JURATI HOMINES*, *Cic. 1. Act. in Verr. 13.* The Prætor himself did not swear, *ibid. 9.* Then their names were marked down in a book (*libellis consignabantur*), and they took their seats (*subsella occupabant*), *Ascon. in Verr. act. i. 6.*

The trial now began, and the accuser proceeded to prove his



charge, which he usually did in two actions (*duabus actionibus*). In the first action, he produced his evidence or proofs, and in the second he enforced them.

The proofs were of three kinds, the declarations of slaves extorted by torture (QUÆSTIONES), the testimony of free citizens (TESTES), and writings (TABULÆ).

1. QUÆSTIONES. The slaves of the defendant were demanded by the prosecutor to be examined by torture in several trials, chiefly for murder and violence.\* But slaves could not be examined in this manner against their master's life (*in caput domini*), except in the case of incest, or a conspiracy against the state, *Cic. Topic. 34. Mil. 22. Deiot. 1.*† Augustus, in order to elude this law, and subject the slaves of the criminal to torture, ordered that they should be sold to the public, or to himself, *Dio. lv. 5.* Tiberius, to the public prosecutor; MANCIPARI PUBLICO ACTORI JUBET, *Tacit. Annal. ii. 30. iii. 67.*, but the ancient law was afterwards restored by Adrian and the Antonines, *D. xlviii. 18. de Quæst.*

The slaves of others also were sometimes demanded to be examined by torture; but not without the consent of their master, and the accuser giving security, that if they were maimed or killed during the torture, he would make up the damage, *ibid.*

When slaves were examined by torture, they were stretched on a machine, called ECULEUS, or *Equuleus*, having their legs and arms tied to it with ropes (*fidiculis*, *Suet. Tib. 62. Cal. 33.*), and being raised upright, as if suspended on a cross, their members were distended by means of screws (*per cochleas*), sometimes till they were dislocated (*ut ossium compago resolveretur*); hence *Eculeo longior factus*, *Senec. Epist. 8.* To increase the pain, plates of red-hot iron (*laminae candentes*), pincers, burning pitch, &c. were applied to them. But some give a different account of this matter.

The confessions of slaves extorted by the rack, were written down on tables, which they sealed up till they were produced in court, *Cic. Mil. 22.* Private persons also sometimes examined their slaves by torture, *Cic. pro Cluent. 63. 66.*

Masters frequently manumitted their slaves, that they might be exempted from this cruelty, *Liv. viii. 15. Cic. Mil. 21.*; for no Roman citizen could be scourged or put to the rack, *Cic. Verr. v. 63.* But the Emperor Tiberius subjected free citizens to the torture, *Dio. lvii. 19.*

2. TESTES. Free citizens gave their testimony upon oath (*jurati*). The form of interrogating them was, SEXTE TEMPANI, QUÆRO EX TE, ARBITRERISNE, *C. Sempronium in tempore pugnam inisse?* *Liv. iv. 40.* The witness answered, ARBITROR vel NON ARBITROR, *Cic. Acad. iv. 47. pro Font. 9.*

Witnesses were either voluntary or involuntary, *Quinctil. v. 7. 9.* With regard to both, the prosecutor (*actor vel accusator*) was said,

\* This mode of proof is reprobated by Cicero, *pro P. Sylla, 28.*

† "From the case of Virginia (*Livy, iii. 13.*) it would appear that the evidence of slaves was received in a matter affecting a slave, or one claimed to be so; since Claudius adduced, without opposition, one of his own slaves, who pretended to have sold the girl." — *Blair, p. 64. 231.*

TESTES DARE, *adhibere, citare, colligere, edere, proferre, subornare, vel PRODUCERE*, *Cic. Verr. i. 18. v. 63. Fin. ii. 19. Juvenal. xvi. 29, &c. TESTIBUS UTI, Cic. Rosc. Am. 36.* With regard to the latter, HIS TESTIMONIUM DENUNCIARE, to summon them under a penalty, as in England by a writ called a SUBPŒNA, *Cic. ibid. 38. in Verr. i. 19. INVITOS EVOCARE, Plin. Ep. iii. 9.* The prosecutor only was allowed to summon witnesses against their will, *Quinctil. v. 7. 9. Plin. Ep. v. 20. vi. 5.,* and of these a different number by different laws, *Val. Max. viii. 1. Frontin. de Limit. 5.,* usually no more than ten, *D. de Testib.*

Witnesses were said TESTIMONIUM DICERE, *dare, perhibere, præbere,* also *pro testimonio audiri*, *Suet. Claud. 15.* The phrase *DEPOSITIONES testium*, is not used by the classics, but only in the civil law. Those previously engaged to give evidence in favour of any one, were called ALLIGATI, *Cic. ad Fratr. ii. 3. Isidor. v. 23.;* if instructed what to say, SUBORNATI, *Cic. Rosc. Com. 17. Plin. Ep. iii. 9.\**

Persons might give evidence, although absent, by writing (*per tabulas*); but it was necessary that this should be done voluntarily, and before witnesses (*præsentibus signatoribus*), *Quinctil. v. 7.*

The character and condition of witnesses were particularly attended to (*diligenter expendebantur*), *Cic. pro Flacc. 5.*

No one was obliged to be a witness against a near relation or friend by the *Julian* law, *l. 4. D. de Testib.,* and never (*more majorum*) in his own cause (*de re sua*), *Cic. Rosc. Am. 36.*

The witnesses of each party had particular benches in the *Forum*, on which they sat, *Cic. pro Q. Rosc. 13. Quinctil. v. 7.*

Great dexterity was shown in interrogating witnesses, *Cic. pro Placc. 10. Donat. in Teren. Eunuch. iv. 4. v. 33. Quinctil. v. 7.*

Persons of an infamous character were not admitted to give evidence (*testes non adhibiti sunt*), and therefore were called INTES-TABILES, *Plaut. Curcul. i. 5. v. 30. Horat. Sat. ii. 3. 181. Gell. vi. 7. vii. 18;* as those likewise were, who being once called as witnesses (*antestati v. in testimonium adhibiti*) afterwards refused to give their testimony, *Gell. xv. 13.* Women anciently were not admitted as witnesses, *Gell. vi. 7.,* but in after-times they were, *Cic. Verr. i. 37.*

A false witness, by the law of the Twelve Tables, was thrown from the Tarpeian rock, *Gell. xx. 1.,* but afterwards the punishment was arbitrary, *l. 16. D. de Testib. et SENT. v. 25. § 2.,* except in war, where a false witness was beaten to death with sticks by his fellow-soldiers, *Polyb. vi. 35.*

3. TABULÆ. By this name were called writings of every kind which could be of use to prove the charge; particularly account

\* There is an old law of the Twelve Tables relating to witnesses, which runs thus: — “Cui testimonium defuerit, is tertiis diebus, obportum, obvagulatum, ito.” According to Festus, *portus* had anciently the same signification as *domus* or *ædes*. The word *obvagulatum*, says Festus, is put for *quæstionem cum convitio*, i. e. a demand made with great outcries and invectives. Turnebus (ii. advers. 26.), and Salmasius (*Observat. ad Jus Att. et Rom. c. 30.*) state the law in the following manner. If the plaintiff cannot produce his witnesses, let him go to the house of him whose testimony he has a right to expect, and let him require him to bear witness for him with great cries, and with injurious reflections, if the witness obstinately persists in refusing it. Others, however, refer *portum* to the party upon whom the injured person has a claim for redress, *Hooke's Rom. Hist. i. 479.*

books (*tabulae accepti et expensi*), letters, bills, or bonds (*syngraphae*), &c.

In a trial for extortion, the account-books of the person accused were commonly sealed up, and afterwards at the trial delivered to the judges for their inspection, *Cic. Verr. i. 23. 61. Balb. 5.* The ancient Romans used to make out their private accounts (*tabulas sc. accepti et expensi conficere vel domesticas rationes scribere*), and keep them with great care. They marked down the occurrences of each day first in a note-book (*ADVERSARIA, -orum*, which was kept only for a month, *menstrua erant*); and then transcribed them into what we call a *Ledger* (*codex vel tabulae*), which was preserved for ever, *Cic. Quint. 2.*; but many dropped this custom, after the laws ordered a man's papers to be sealed up, when he was accused of certain crimes, and produced in court as evidences against him, *Cic. Verr. i. 23. 39. Rosc. Com. 2. Cael. 7. Att. xii. 6. Tusc. v. 33. Suet. Cæs. 47.\**

The prosecutor having produced these different kinds of evidence, explained and enforced them in a speech, sometimes in two or more speeches, *Cic. in Verr.* Then the advocates of the criminal replied; and their defence sometimes lasted for several days, *Ascon. in Cic. pro Cornel.* In the end of their speeches (*in epilogo vel peroratione*), they tried to move the compassion of the *judices*, and for that purpose often introduced the children of the criminal, *Cic. pro Sext. 69.* In ancient times only one counsel was allowed to each side, *Plin. Ep. i. 20.*

In certain causes persons were brought to attest the character of the accused, called *LAUDATORES*, *Cic. pro Balb. 18. Cluent. 69. Fam. i. 9. Fin. ii. 21. Suet. Aug. 56.* If one could not produce at least ten of these, it was thought better to produce none (*quàm illum quasi legitimum numerum consuetudinis non explere*), *Cic. Verr. v. 22.* Their declaration or that of the towns from which they came, was called *LAUDATIO*, *ibid. & Fam. iii. 8. 6.*, which word commonly signifies a funeral oration delivered from the *Rostra*, in praise of a person deceased, by some near relation, *Cic. de Orat. ii. 84. Liv. v. 50. Suet. Cæs. vi. 84. Aug. 101. Tib. 6. Tacit. Annal. v. 1. xvi. 6.*, by an orator or chief magistrate, *Plin. Ep. ii. 1.*

Each orator, when he finished, said *DIXI*; and when all the pleadings were ended, a herald called out, *DIXERUNT*, vel *-ERE*, *Ascon. in Cic. Donat. in Ter. Phorm. ii. 3. 90. and sc. 4.*

Then the prætor sent the *judices* to give their verdict (*in consilium mittebat, ut sententiam ferrent vel dicerent*), *Cic. Verr. i. 9. Cluent. 27. 30.*, upon which they rose and went to deliberate for a little among themselves, *ibid.* Sometimes they passed sentence (*sententias ferebant*) *vivâ voce* in open court, but usually by ballot. The prætor gave to each *judex* three tablets; on one was written the letter C., for *condemno*, I condemn; on another, the letter A., for *absolvo*, I acquit; and on a third, N. L., *non liquet*, sc. *mihi*, I am not clear, *Cæs. B. Civ. iii. 83.* Each of the *judices* threw which of these tablets

\* When the conspirators of Catiline were before the senate, Cicero desired or appointed (*constituit*) some of the senators, who could write short-hand, to take notes of every thing that was said, which, after the examination, were written out immediately by all the clerks (*librariis*), and dispersed through Italy and all the provinces, in order to prevent any invidious misrepresentation, *Cic. pro Syll. 14, 15.*

he thought proper into an urn. There was an urn for each order of judges; one for the senators, another for the *equites*, and a third for the *tribuni ærarii*, Cic. ad Q. Fratr. ii. 6.

The prætor, having taken out and counted the ballots, pronounced sentence according to the opinion of the majority (*ex plurium sententiâ*), in a certain form. If a majority gave in the letter C., the prætor said VIDETUR FECISSE, i. e. guilty, Cic. Verr. v. 6. Acad. iv. 47. If the letter A., NON VIDETUR FECISSE, i. e. not guilty. If N. L., the cause was deferred (CAUSA AMPLIATA EST), Ascon. in Cic.

The letter A. was called LITERA SALUTARIS, and the tablet on which it was marked, TABELLA ABSOLUTORIA, Suet. Aug. 33.; and C., *litera* TRISTIS, Cic. Mil. 6., the tablet, DAMNATORIA, Suet. *ibid.* Among the Greeks, the condemning letter was Θ, because it was the first letter of θάνατος, death: hence called *mortiferum*, Martial. vii. 36., and *nigrum*, Pers. Sat. iv. 13. Their acquitting letter is uncertain.

It was anciently the custom to use white and black pebbles, (*lapilli vel calculi*) in voting at trials: *Mos erat antiquis niveis atrisque lapillis, His damnare reos, illis absolvere culpâ*, Ovid. Met. xv. 41. Hence *causa paucorum calculorum*, a cause of small importance, where there were few judges to vote, Quinctil. viii. 3. 14. *omnis Calculus immitem demittitur ater in urnam*, i. e. He is condemned by all the judges, Ovid. *ibid.* 44. *Reportare calculum deteriolem*, to be condemned; *meliolem*, to be acquitted, Corp. Juris. — *Errori album calculum adjicere*, to pardon or excuse, Plin. Epist. i. 2. To this Horace is thought to allude, Sat. ii. 3. 246. *Cretâ an carbone notandi?* Are they to be approved or condemned? and Persius, Sat. v. 108.; but more probably to the Roman custom of marking in their kalendar unlucky days with black (*carbone*, with charcoal; whence *dies atri* for *infausti*), and lucky days with white (*cretâ* vel *cressâ notâ*, with chalk, Horat. Od. i. 36. 10., called CRETA, or *terra Cressa* vel *Cretica*, because it was brought from that island): hence *notare vel signare diem lactedâ gemmâ* vel *albâ*, *melioribus lapillis*, vel *albis calculis*, to mark a day as fortunate, Martial. viii. 45. ix. 53. xi. 37. Pers. Sat. ii. 1. Plin. Ep. vi. 11. This custom is said to have been borrowed from the Thracians or Scythians, who every evening before they slept, threw into an urn or quiver a white pebble, if the day had passed agreeably; but if not, a black one: and at their death, by counting the pebbles, their life was judged to have been happy or unhappy. Plin. vii. 40. To this Martial beautifully alludes, xii. 34.

The Athenians, in voting about the banishment of a citizen who was suspected to be too powerful, used shells (ὄστρακα, *testæ* vel *testulæ*), on which those who were for banishing him wrote his name, and threw each his shell into an urn. This was done in a popular assembly; and if the number of shells amounted to 6000, he was banished for ten years (*testarum suffragiis*), by an OSTRACISM, as it was called, Nep. in Themist. 8. Aristid. 1. Cim. 3. Diodorus says, for five years, xi. 55.

When the number of judges who condemned, and of those who acquitted, was equal, the criminal was acquitted, Cic. Cluent. 27. Plutarch in Mario. (See p. 88.) CALCULO MINERVÆ, by the vote of Minerva, as it was termed; because, when Orestes was tried before

the *Areopagus* at Athens for the murder of his mother, and the judges were divided, he was acquitted by the determination (*sententiâ*) of that goddess, *Cic. pro Mil.* 3. *et ibi Lambin. Æschyl. Eumenid.* v. 788. In allusion to this, a privilege was granted to Augustus, if the number of the *judices*, who condemned, was but one more than of those that acquitted, of adding his vote to make an equality: and thus of acquitting the criminal, *Dio.* li. 19.

While the *judices* were putting the ballots into the urn, the criminal and his friends threw themselves at their feet, and used every method to move their compassion, *Valer. Max.* viii. 1. 6. *Ascon. in Cic. pro M. Scauro.*

The prætor, when about to pronounce a sentence of condemnation, used to lay aside his *toga pretexta*, *Plutarch. in Cic. Senec. de Ira,* i. 16.

In a trial for extortion, sentence was not passed after the first action was finished; that is, after the accuser had finished his pleading, and the defender had replied; but the cause was a second time resumed (*causa iterum dicebatur vel agebatur*), after the interval of a day, or sometimes more (especially if a festival intervened, as in the case of Verres, *Cic. Verr.* i. 7.), which was called COMPERENDINATIO, or -atus, -tus, *Cic. Verr.* i. 9. *et ibi Ascon. &c.* Then the defender spoke first, and the accuser replied; after which sentence was passed. This was done, although the cause was perfectly clear, by the *Glaucian* law; but before that, by the *Acilian* law, criminals were condemned after one hearing (*semel dictâ causâ, semel auditis testibus*), *ibid.*

When there was any obscurity in the cause, and the *judices* were uncertain whether to condemn or acquit the criminal, which they expressed by giving in the tablets, on which the letters N. L. were written, and the prætor, by pronouncing AMPLIUS, *Cic. ibid.*, the cause was deferred to any day the prætor chose to name. This was called AMPLIATIO [*an adjournment*], and the criminal or cause was said *ampliari*; which sometimes was done several times, and the cause pleaded each time anew, *Cic. Brut.* 22. *Bis ampliatus, tertio absolutus est reus*, *Liv.* xliii. 2. So iv. 44. *Causa L. Cottæ septies ampliata, et ad ultimum octavo judicio absoluta est*, *Valer. Max.* viii. 1. 11. Sometimes the prætor, to gratify the criminal or his friends, put off the trial till he should resign his office, and thus not have it in his power to pass sentence (*ne diceret jus*) upon him, *Liv.* xli. 22.

If the criminal was acquitted, he went home and resumed his usual dress (*sordido habitu posito, albam togam resumebat*). If there was ground for it, he might bring his accuser to a trial for false accusation (CALUMNIÆ), or for what was called PRÆVARICATIO; that is, betraying the cause of one's client, and, by neglect or collusion, assisting his opponent, *Cic. Topic.* 36. *Plin. Epist.* i. 20. iii. 9. *Quinctil.* ix. 2.

PRÆVARICARI, comp. of *præ* et *varico*, v. -or (from *varus*, bow or bandy legged, *crura incurva habens*), signifies properly to *straddle*, to stand or walk wide, with the feet too far removed from one another, not to go straight, (*arator, nisi incurvus, prævaricatur, i. e. non rectum sulcum agit, vel a recto sulco divertit*, *Plin.*) Hence, to shuffle, to play fast and loose, to act deceitfully (*in contrariis causis quasi variè esse positus*, *Cic. ibid.*).



If the criminal was condemned, he was punished by law according to the nature of his crime.

Under the emperors, most criminal causes were tried in the senate, *Dio. lvii. 16., et alibi passim*, who could either mitigate or extend the rigour of the laws (*mitigare leges et intendere*), *Plin. Ep. ii. 11. iv. 9.*, although this was sometimes contested; (*aliis cognitionem senatûs lege conclusam, aliis liberam solutamque dicentibus*), *Id.*

If a person was charged with a particular crime, comprehended in a particular law, select judges were appointed; but if the crimes were various, and of an atrocious nature, the senate itself judged of them, *Plin. ii. 10.*, as the people did formerly; whose power Tiberius, by the suppression of the *Comitia*, transferred to the senate, *Tacit. Annal. i. 15.* When any province complained of their governors, and sent ambassadors to prosecute them, (*legatos vel inquisitores mittebant, qui in eos inquisitionem postularent,*) the cause was tried in the senate, who appointed certain persons of their own number to be advocates, *Plin. Ep. ii. 11. iii. 9.*, commonly such as the province requested, *ibid. iii. 4.*

When the senate took cognizance of a cause, it was said *suscipere vel recipere cognitionem*, and *dare inquisitionem*, *Plin. Ep. vi. 29.*, when it appointed certain persons to plead any cause, *DARE ADVOCATOS, v. PATRONOS, Id. ii. 11. iii. 4. vi. 29. vii. 6. 33.* So the emperor, *Id. vi. 22.* When several advocates either proposed or excused themselves, it was determined by lot who should manage the cause (*nomina in urnam conjecta sunt*), *Id. x. 20.*

When the criminal was brought into the senate-house, by the lictors, he was said *esse INDUCTUS*, *Id. ii. 11; 12. v. 4. 13.* So the prosecutors, *Id. v. 20.*

When an advocate began to plead, he was said *descendere ut acturus, ad agendum vel ad accusandum*, *Id. v. 13.*, because, perhaps, he stood in a lower place than that in which the judges sat, or came from a place of ease and safety to a place of difficulty and danger: thus *descendere in aciem, v. prælium, in campum v. forum, &c.* to go on and finish the cause, *causam peragere, v. perferre, ib.* If an advocate betrayed the cause of his client (*si prævaricatus esset*), he was suspended from the exercise of his profession (*ei advocacyibus interdictum est*), or otherwise punished, *ibid.*

An experienced advocate commonly assumed a young one in the same cause with him, to introduce him at the bar and recommend him to notice, (*producere, ostendere famæ et assignare famæ*), *Plin. Ep. vi. 23.*

After the senate passed sentence, criminals used to be executed without delay. But Tiberius caused a decree to be made, that no one condemned by the senate should be put to death within ten days; that the emperor, if absent from the city, might have time to consider their sentence, and prevent the execution of it, if he thought proper, *Dio. lvii. 20. lviii. 27. Tacit. Annal. iii. 51. Suet. Tib. 75. Seneca tranq. an. 14.*



## 5. DIFFERENT KINDS OF PUNISHMENTS AMONG THE ROMANS.

PUNISHMENTS \* among the Romans were of eight kinds : —

1. MULCTA vel *damnum*, a fine, which at first never exceeded two oxen and thirty sheep, or the valuation of them. See *Lex ATERIA*, *Liv.* iv. 30. But afterwards it was increased.

2. VINCULA, bonds, which included public and private custody : *public*, in prison, into which criminals were thrown after confession or conviction, *Cic. de Divin.* i. 25. *Tacit.* iii. 51.; and *private*, when they were delivered to magistrates, or even to private persons, to be kept at their houses (*in libera custodia*, as it was called) till they should be tried, *Sallust. Cat.* 47. *Liv.* xxxix. 14. *Tacit.* vi. 3.

A prison (CARCER) was first built by Ancus Martius, *Liv.* i. 33., and enlarged by Servius Tullius ; whence that part of it below ground, built by him, was called TULLIANUM, *Sallust. Cat.* 55. *Varr. de Lat. Ling.* iv. 32., or LAUTUMIÆ, i. e. *loca ex quibus lapides excisi sunt*, *Fest.* in voce, *Liv.* xxvi. 27. xxxii. 26. xxxvii. 5. xxxix. 44., in allusion to a place of the same kind built by Dionysius at Syracuse, *Cic. Verr.* v. 27. 55. Another part, or, as some think, the same part, from its security and strength, was called ROBUR, or *roburs*, *Festus* in voce, *Liv.* xxxviii. 59. *Valer. Max.* vi. 3. 1. *Tacit. Annal.* iv. 29.

Under the name of *vincula* were comprehended *catenæ*, chains ; *compedes* vel *pedicæ*, fetters or bonds for the feet ; *manicæ*, manacles or bonds for the hands ; NERVUS, an iron bond or shackle for the feet or neck, *Festus* in voce ; also a wooden frame with holes, in which the feet were put and fastened, the *stocks* : sometimes also the hands and neck : called likewise COLUMBAR, *Plaut. Rud.* iii. 6. 30. *Liv.* viii. 28. *Boæ*, leathern thongs, and also iron chains, for tying the neck or feet, *Plaut. Asin.* iii. 3. 5.

3. VERBERA, beating or scourging, with sticks or staves (*fustibus*) ; with rods (*virgis*) ; with whips or lashes (*flagellis*). But the first were in a manner peculiar to the camp, where the punishment was called FUSTUARIUM, and the last to slaves, *Horat. Epod.* 4. *Cic. Rabir. perd.* 4. *Juvenal.* x. 109. *Cic. Verr.* iii. 29. Rods only were applied to citizens, and these too were removed by the Porcian law, *Liv.* x. 9. *Sallust. Cat.* 51. *Cic. ib.* But under the emperors citizens were punished with these and more severe instruments, as with whips loaded with lead (*plumbatis*), &c.

4. TALIO (*similitudo supplicii vel vindictæ, hostimentum*), a punishment similar to the injury, an eye for an eye, a limb for a limb, &c. But this punishment, although mentioned in the Twelve Tables, seems very rarely to have been inflicted, because by law the removal of it could be purchased by a pecuniary compensation (*talio vel pœna redimi poterat*), *Gell.* xx. 1.

5. IGNOMINIA vel *Infamia*. Disgrace or infamy was inflicted (*inurebatur vel irrogabatur*), either by the censors or by the law, and by the edict of the prætor. Those made *infamous* by a judicial sen-

\* *Pœna*, Gr. *ποινή*, properly means *penalty, atonement* ; hence the phrases *dare pœnas*, to give satisfaction, to suffer punishment ; *sumere pœnas*, to exact atonement, to punish.

tence, were deprived of their dignity, and rendered incapable of enjoying public offices, sometimes also of being witnesses, or of making a testament; hence called *INTESTABILES*, *Digest*.

6. *EXILIUM* [e. *solo*], banishment. \* The word was not used in a judicial sentence, but *AQUÆ ET IGNIS INTERDICTIO*, forbidding one the use of fire and water, whereby a person was banished from Italy, but might go to any other place he chose. Augustus introduced two new forms of banishment, called *DEPORTATIO*, perpetual banishment to a certain place [with loss of property]; and *RELEGATIO*, either a temporary or perpetual banishment of a person to a certain place, without depriving him of his rights and fortunes. [Such was the instance of Marius, *Juv. Sat. i. 47.*] See p. 63. Sometimes persons were only banished from Italy (*iis Italiâ interdictum*) for a limited time, *Plin. Ep. iii. 9.* †

7. *SERVITUS*, slavery. Those were sold as slaves, who did not give in their names to be enrolled in the censor's books, or refused to enlist as soldiers; because thus they were supposed to have voluntarily renounced the rights of citizens, *Cic. Cæcin. 34.* See p. 63.

8. *MORS*, death, was either *civil* or natural. Banishment and slavery were called a *civil* death. Only the most heinous crimes were punished by a violent death.

In ancient times it seems to have been most usual to hang malefactors (*infelici arbori suspendere*), *Liv. i. 26.*; afterwards, to scourge (*virgis cedere*) and behead them (*securi percutere*), *Liv. ii. 5. vii. 19. xxvi. 15.*; to throw them from the Tarpeian rock (*de saxo Tarpeio de-jicere*), *Id. vi. 20.*; or from that place in the prison called *ROBUR*, *Festus, Valer. Max. vi. 31.*; also to strangle them (*laqueo gulam, guttur, vel cervicem frangere*) in prison, *Id. v. 4. 7. Sallust. Cat. 55. Cic. Vatin. 11. Lucan. ii. 154.*

The bodies of criminals, when executed, were not burnt or buried: but exposed before the prison, usually on certain stairs, called *GR-*

\* "With or without confiscation of property. (*Tac. Ann. iv. 43.*) 'Vulcatius Moschus, exul, in Massilienses receptus, bona sua reipublicæ eorum, ut patriæ reliquerat.' "— *T.*

† "Exilium, as Cicero rightly observes (*pro Cæcinâ, 34.*), was not banishment, which was utterly unknown to the Roman law: it was nothing but the act whereby a man renounced the freedom of his own city by taking up his municipal franchise; and the liberty which a person bound by sureties to stand his trial before the people had of withdrawing from the consequences of their verdict by exiling himself, was only an application of the general principle. If the accused staid till sentence was passed, he was condemned as a Roman, and it would be executed upon him wherever he was taken: but if he availed himself of his municipal franchise in time, he had become a citizen of a foreign state, and the sentence was null and void. The ground of this exemption was not his migrating, but his attaching himself to a city which had a sworn treaty of isopolity with Rome: they who settled in an unprivileged place needed a decree of the people, declaring that their settlement should operate as a legal *exilium*. (*Liv. xxvi. 3.*)"—*Nieb. ii. p. 63.* "A person banished by a legal sentence, or who chose to exile himself, to escape punishment, forfeited, but not irrecoverably, all the rights of citizenship. It would appear, however, that he was allowed to retain part of his property. This opinion, at least, is somewhat probable, from the two following circumstances:—1. He was expressly prohibited by law from making a will. This prohibition would have been superfluous, if he had possessed no property to bequeath. 2. We find Seneca complaining of the vast riches, which the exiles of his time carried with them into banishment. 'Eo temporum prolapsa est luxuria, ut majus viaticum exulum sit, quam olim patrimonium divitum.' (*Sen. ad Hel. 12.* See also *Tac. Ann. xii. 22.*)"—*Crombie's G. ii. 320.*

**MONIÆ** sc. *scala*, vel **GEMONIÆ** *gradus* (*quòd gemitus locus esset*); and then dragged with a hook (*unco tracti*), and thrown into the Tiber, *Suet. Tib.* 53. 61. 75. *Vitell.* 17. *Tacit. Hist.* iii. 74. *Plin.* viii. 40. s. 61. *Valer. Max.* vi. 3. 3. *Juvenal.* x. 66. Sometimes, however, the friends purchased the right of burying them.

Under the emperors, several new and more severe punishments were contrived; as, exposing to wild beasts (*ad bestias damnatio*), burning alive (*vivicomburium*), &c. When criminals were burnt, they were dressed in a tunic besmeared with pitch and other combustible matter, called **TUNICA MOLESTA**, *Senec. Ep.* 14. *Juvenal.* i. 155. viii. 235. *Martial.* x. 25. 5., as the Christians are supposed to have been put to death, *Tacit. Annal.* xv. 44. Pitch is mentioned among the instruments of torture in more ancient times, *Plaut. Capt.* iii. 4. 65. *Lucret.* iii. 1030.

Sometimes persons were condemned to the public works, to engage with wild beasts, or fight, as gladiators, *Plin. Ep.* x. 40., or were employed as public slaves in attending on the public baths, in cleansing common sewers, or repairing the streets and highways, *ibid.*

Slaves after being scourged (*sub furcâ cæsi*) were crucified (*in crucem acti sunt*), usually with a label or inscription on their breast, intimating their crime, or the cause of their punishment, *Dio.* liv. 3. as was commonly done to other criminals, when executed, *Suet. Cal.* 32. *Dom.* 10. Thus Pilate put a title or superscription on the cross of our Saviour, *Matt.* xxvii. 37. *John* xix. 19. The form of the cross is described by Dionysius, vii. 69. — Vedio Pollio, one of the friends of Augustus, devised a new species of cruelty to slaves, throwing them into a fish-pond to be devoured by lampreys (*murænae*), *Plin.* ix. 23. s. 39. *Dio.* liv. 23. \*

A person guilty of parricide, that is, of murdering a parent or any near relation, after being severely scourged (*sanguineis virgis cæsus*), was sewed up in a sack (*culeo insutus*), with a dog, a cock, a viper, and an ape, and then thrown into the sea or a deep river, *Cic. pro Rosc. Amer.* ii. 25, 26. *Senec. Clem.* i. 23. †

## RELIGION OF THE ROMANS.

### 1. THE GODS WHOM THEY WORSHIPPED.

THESE were very numerous, and divided into *Dii majorum gentium*, and *Minorum gentium*, *Cic. Tusc.*, i. 13. in allusion to the division of senators. See p. 3.

\* "The Greeks and Romans," observes Dacier, on *Hor. Epist.* i. 15. 36., "branded the belly of a gluttonous slave; the feet of a fugitive; the hands of a thief; and the tongue of a babler."

† "The Twelve Tables and Cicero (l. c.) are content with the sack; Seneca (*Exc. Controv.* v. 4.) adorns it with serpents; Juvenal pities the guiltless monkey (*innocentia simia*, *Sat.* xiii. 156.). Italy produces no monkeys; but the want could never be felt, till the middle of the sixth century first revealed the guilt of a parricide. The first parricide at Rome was L. Ostius, after the second Punic war (*Plut. Rom.* t. i. p. 57.) During the Cimbric, P. Malleolus was guilty of the first matricide. (*Liv. Epit.* lxxviii.)"—*Gibbon's Decline and Fall*, ch. xlv.

The DII MAJORUM GENTIUM were the great celestial deities, and those called DII SELECTI.

The great celestial deities were twelve in number, *Dionys.* vii. 72.

1. JUPITER (Zeus Πατήρ, voc. Ζεῦ Πάτερ), the king of gods and men, the son of *Saturn* and *Rhea* or *Ops*, the goddess of the earth; born and educated in the island of Crete; supposed to have dethroned his father, and to have divided his kingdom with his brothers; so that he himself obtained the air and earth, Neptune the sea, and Pluto the infernal regions;—usually represented as sitting on an ivory throne, holding a sceptre in his left hand, and a thunderbolt (*fulmen*) in his right, with an eagle; and *Hebe*, the daughter of Juno, and goddess of youth, or the boy, *Ganymēdes*, the son of Tros, his cup-bearer (*pincerna* vel *pocillator*), attending on him; called JUPITER FERETRIUS, (*a ferendo, quòd ei spolia opima afferebantur ferculo vel feretro gesta*, Liv. 1. 10., vel *a feriendo, Plutarch. in Romulo; Omne quòd certo dux ferit ense ducem*, Propert. iv. 11. 46. *Dionys.* i. 34.) ELICIUS (*quòd se illum certo carmine e cælo elicere posse credebant*, Ovid. Fast. iii. 327., *ut edoceret, quomodo prodigia fulminibus, aliove quo viso missa, curarentur vel expiarentur*, ibid. & Liv. i. 20.) STATOR, [*Pistor*, Ovid. F. vi. 350.], CAPITOLINUS, and TONANS, which two were different, and had different temples, *Dio.* liv. 4. *Suet. Aug.* 29. 91. TARPEIUS, LATIALIS\*, DIESPITER (*diēi et lucis pater*), OPTIMUS MAXIMUS, OLYMPICUS, SUMMUS, &c. *Sub Jove frigido, sub dio*, under the cold air, *Horat. Od.* i. 1. 25. ii. 3. 23. *Dextro Jove*, by the favour of Jupiter, *Pers.* v. 114. *Incolumi Jove*, i. e. *Capitolio, ubi Jupiter colebatur*, *Horat. Od.* iii. 5. 12.

2. JUNO†, the wife and sister of Jupiter, queen of the gods, the goddess of marriage and of child-birth:—called JUNO REGINA [*Ovid. F.* vi. 37.] vel *regia*: PRONŪBA (*quòd nubentibus præesset*, Serv. in *Virg. Æn.* iv. 166. *Ovid. Ep.* vi. 43. *Sacris præfecta maritis*, i. e. *nuptialibus solemnitatibus*, ib. xii. 65.), MATRONA, LUCINA (*quòd lucem nascentibus daret*), MONĒTA (*a monendo*, because, when an earthquake happened, a voice was uttered from her temple, *advising* the Romans to make expiation by sacrificing a pregnant sow, *Cic. Divin.* i. 45. ii. 32.)‡; represented in a long robe (*stola*) and magnificent dress; sometimes sitting or standing in a light car, drawn by peacocks, attended by the AURÆ, or air nymphs, as by IARIS the goddess of the rainbow. *Junone secundâ*, by the favour of, *Virg. Æn.* iv. 45. §

3. MINERVA or PALLAS, the goddess of wisdom: hence said to have sprung (*cum clypeo prosiluisse*, Ovid. Fast. iii. 841.) from the

\* Or *Latialis*, (*Cic. pro Mil.* 31.) The temple of this deity stood on the summit of the Alban mount, and was of great magnificence. Augustus appointed a regular corps of troops to guard it and its treasures.

† “Juno seems to be related to Jovis, as Dione to Dis, and to have originally signified goddess in general, perhaps a patron-goddess. Female slaves used to swear by the Junones of their mistresses. A *Jovis*, *Jovino*, *Juno*, the *v* being probably pronounced like our *w*.”—*Keightley, Myth.* p. 461.

‡ *Sospita*. (*Ovid. F.* ii. 56. *Liv.* viii. 14.) Juno *Feronia* presided over the manumission of slaves.—*Virg. Æn.* vii. 800. viii. 564. *Liv.* xxii. 1. But see *Keightley's Myth.* p. 480.

§ The statue of Juno was brought to Rome from Veii by Camillus, A. U. C. 359, and a temple erected for her on the Aventine.—*Liv.* v. 21, 22.

brain of Jupiter by the stroke of Vulcan; *Ter. Heaut.* v. 4. 13., also of war and of arms; said to be the inventress of spinning and weaving (*lanificii et texturae*), of the olive, and of warlike chariots; *Ovid. ibid.* — called *Armipotens*, *Tritonia virgo*, because she was first seen near the lake *Tritonis* in Africa; *Attica* vel *Cecropia*, because she was chiefly worshipped at Athens; — represented as an armed virgin, beautiful, but stern and dark-coloured, with azure or sky-coloured eyes (*glaucis oculis*, γλαυκῶπις Ἀθήνη), shining like the eyes of a cat or an owl (γλαυξ, -νὸς, *noctua*), *Gell.* ii. 26. having a helmet on her head, and a plume nodding formidably in the air; holding in her right hand a spear, and in her left a shield, covered with the skin of the goat *Amalthæa*, by which she was nursed (hence called *ÆGIS*), given her by Jupiter, whose shield had the same name, *Virg. Æn.* viii. 354. & *ibi Serv.*, in the middle of which was the head of the Gorgon *Medusa*, a monster with snaky hair, which turned every one who looked at it into stone, *ibid.*

There was a statue of Minerva (*PALLADIUM*), supposed to have fallen from heaven, which was religiously kept in her temple by the Trojans, and stolen from thence by Ulysses and Diomêdes. *Tolerare colo vitam tenuique Minervæ*, i. e. *lanificio non quæstuoso*, by spinning and weaving, which bring small profit, *Virg. Æn.* viii. 409. *Invitâ Minervæ*, i. e. *adversante et repugnante naturâ*, against nature or natural genius, *Cic. Off.* i. 31. [*Ovid. F.* iii. 823.] *Agere aliquid pingui Minervæ*, simply, bluntly, without art, *Columell.* 1. *pr.* 33. xi. 1. 32. *Abnormis sapiens, crassâque Minervæ*, a philosopher without rules, and of strong rough common sense, *Horat. Sat.* ii. 2. *Ses Minervam*, sc. *docet*, a proverb against a person who pretends to teach those who are wiser than himself, or to teach a thing of which he himself is ignorant, *Cic. Acad.* i. 4. *Festus.* — Pallas is also put for oil, *Ovid. Ep.* xix. 44., because she is said first to have taught the use of it.

4. *VESTA*, the goddess of fire. Two of this name are mentioned by the poets; one the mother, and the other the daughter of Saturn, who are often confounded. But the latter chiefly was worshipped at Rome. In her sanctuary was supposed to be preserved the *Palladium* of Troy (*fatale pignus imperii Romani*), *Liv.* xxvi. 27., and a fire kept continually burning by a number of virgins, called the *Vestal Virgins*; brought by Æneas from Troy, *Virg. Æn.* ii. 297.; hence *hic locus est Vestæ qui PALLADA servat et IGNEM*, *Ovid. Trist.* iii. 1. 39., near which was the palace of Numa, *ib.* 40. *Horat. Od.* i. 2. 16. [Vesta is the same as the Earth; her temple consequently was round; *Ovid. F.* vi. 267. 460.]

5. *CERES*, the goddess of corn and husbandry, the sister of Jupiter, worshipped chiefly at Eleusis in Greece, and in Sicily: her sacred rites were kept very secret. — She is represented with her head crowned with the ears of corn or poppies, and her robes falling down to her feet, holding a torch in her hand. She is said to have wandered over the whole earth with a torch in her hand, which she lighted at Mount Ætna, (*Hinc Cereris sacris nunc quoque tæda datur*, *Ovid. Fast.* iv. 494.) in quest of her daughter *Proserpina*, who was carried off by Pluto. — *PLUTUS*, the god of riches, is supposed to be the son of Ceres.



Ceres is called *Legifera*, the *lawgiver*, because laws were the effect of husbandry, *Plin. viii. 56.*, and *Arcana*, because her sacred rites were celebrated with great secrecy, *Horat. Od. iii. 2. 27.*, and with torches; whence, *et per tædifera mystica sacra Deæ*, *Ovid. Ep. ii. 42.*: particularly at Eleusis in Attica (*sacra Eleusinia*), from which, by the voice of a herald, the wicked were excluded; and even Nero, while in Greece, dared not to profane them, *Suet. Ner. 34.* Whoever entered without being initiated, although ignorant of this prohibition, was put to death, *Liv. xxxi. 14.* Those initiated were called *MYSTÆ*, *Ovid. Fast. iv. 536.* (a *μύω*, *premo*), whence *mysterium*. \* A pregnant sow was sacrificed to Ceres, because that animal was hurtful to the corn-fields, *Ovid. [F. i. 349.] Pont. ii. 9. 30. Met. xv. 111.* And a fox was burnt to death at her sacred rites, with torches tied round it; because a fox wrapt round with stubble and hay set on fire, being let go by a boy, once burnt the growing corn of the people of Carseoli, a town of the Æqui, *Ovid. Fast. iv. 681. to 712.*, as the foxes of Samson did the standing corn of the Philistines, *Judg. xv. 4.*

Ceres is often put for corn or bread; as *Sine Cerere et Baccho friget Venus*, without bread and wine love grows cold, *Terent. Eun. iv. 5, 6. Cic. Nat. D. ii. 23.*

6. NEPTUNE (a *nando*, *Cic. Nat. D. ii. 26. vel quòd mare terras obnubit, ut nubes cælum*; a *nuptu, id est opertione*; unde *nuptiæ Varr. L. L. iv. 10.*) the god of the sea, and brother of Jupiter; represented with a trident in his right hand, and a dolphin in his left; one of his feet resting on part of a ship; his aspect majestic and serene: sometimes in a chariot drawn by sea-horses, with a triton on each side; called *ÆGÆUS*, *Virg. Æn. iii. 74.*; because worshipped at Ægea, a town in the island of Eubœa, *Homer. Il. v. 29. Uterque Neptunus*, the *mare superum* and *inferum*, on both sides of Italy; or, *Neptuno* who presides over both salt and fresh water (*liquentibus stagnis marique salso*), *Catull. xxix. 3. Neptunia arva vel regna*, the sea, *Virg. Æn. viii. 695. Neptunius dux*, *Sex. Pompeius, Horat. Epod. ix. 7.*, who, from his power at sea, called himself the son of Neptune, *Dio. xlviii. 19. Neptunia Pergama vel Troja*, because its walls were said to have been built by Neptune and Apollo, *Ovid. Fast. i. 5. 5. Virg. Æn. ii. 625.*, at the request of Laomedon, the father of Priam, who deprived them of their promised hire (*pactâ mercede destituit*), *Horat. Od. iii. 3. 22.*, that is, he applied to that purpose the money which he had vowed to their service, *Serv. in Virg.* On which account Neptune was ever after hostile to the Trojans, *Virg. Æn. ii. 610.*, and also to the Romans, *Id. G. i. 502.* Apollo was afterwards reconciled by proper atonement; being also offended at the Greeks for their treatment of Chrysæis, the daughter of his priest Chryses, *Serv. ib.*, whom Agamemnon made a captive, *Ovid. Remed. Am. 469. Homer. Il. 1.* — The wife of Neptune was *Amphitrite*, sometimes put for the sea, *Ovid. Met. i. 14.*

Besides Neptune, there were other sea gods and goddesses: *Océanus*, and his wife *Tethys*; *Nereus*, and his wife *Doris*, the *Nereides*, *Thetis*, *Doto*, *Galatæa*, &c. *Triton*, *Proteus*, *Portunus*, the son of *Matuta*

\* White robes were worn at the Cerealia; hence they were not celebrated in seasons of public mourning, *Ovid. F. iv. 619.*



[the same as *Ino* or *Leucothea*, Ovid. *F.* vi. 545.] or *Aurora* and *Glaucus*, *Ino*, *Palæmon*, &c.

7. VENUS, the goddess of love and beauty, said to have been produced from the foam of the sea, near the island *Cythëra*; hence called *Cytherëa*, Horat. *Od.* i. 4, 5. Virg. *Æn.* iv. 128. *Marina*, Id. iii. 26. 5., and by the Greeks Ἀφροδίτη, ab ἀφρός, *spuma*; according to others, the daughter of Jupiter and the nymph *Diōne*; hence called *Dionæa mater*, by her son *Æneas*, Virg. *Æn.* iii. 19., and Julius Cæsar *Dionæus*; as being descended from Iulus, the son of *Æneas*, Id. *Ecl.* ix. 47. *Dionæo sub antro*, under the cave of Venus, Horat. *Od.* ii. 1. 39. — the wife of Vulcan, but unfaithful to him, Ovid. *Met.* iv. 171. &c.; worshipped chiefly at *Paphos*, *Amāthus*, *—untis*, and *Idalia* v. *—ium*, in Cyprus; at Eryx in Sicily, and at Cnidus in Caria; hence called *Cypriis*, *—idis*, *Dea Paphia*; *Amathusia Venus*, Tacit. *Annal.* iii. 62. *Venus Idalia*, Virg. *Æn.* v. 760., and *ERYCINA*, Horat. *Od.* i. 2. 33. Cic. *Verr.* ii. 8. *Regina Cnidi*, Horat. *Od.* i. 30. 1. *Venus Cnidia*, Cic. *Divin.* i. 13. *Verr.* iv. 60. *Alma, decens, aurea, formosa*, &c. also *Cloacina* or *Cluacina*, from *cluere*, anciently the same with *luere* or *purgare*, because her temple was built in that place, where the Romans and Sabines, after laying aside their arms, and concluding an agreement, purified themselves, Plin. xv. 29. s. 36. [*Verticordia*, Ovid. *F.* iv. 160.] — Also supposed to be the same with *Libitina*, the goddess of funerals, *Dionys.* iv. 15., whom some make the same with Proserpine, *Plutarch.* in *Numa*, 67. — often put for love or the indulgence of it; *Damnosa Venus*, Horat. *Ep.* i. 18. 21., *Sera juvenum Venus, eoque inexhausta pubertas*, Tacit. *de Mor. Germ.* 20. — for a mistress, Horat. *Sat.* i. 2. 119. — 4. 113. Virg. *Ecl.* iii. 68. — for beauty, comeliness, or grace, *Plaut. Stich.* ii. 1. 5. *Tabula pictæ Venus, vel Venustas, quam Græci χάριτα vocant*, Plin. xxxv. 10. s. 36. *Dicendi veneres*, the graces, *Quintilian.* x. 1. *Venerem habere*, Senec. *Benef.* ii. 28. Cicero says, there were more than one Venus, *Nat. D.* iii. 23. (VENUS dicta, quòd ad omnes res veniret; atque ex eâ Venustas, Id. ii. 27. et VENERII, i. e. servi Veneris, Id. Cæcil. 17.)

The tree most acceptable to Venus was the myrtle, Virg. *Ecl.* vii. 62. & *Serv. in loc. Æn.* v. 72., hence she was called MYRTEA, and by corruption MURCIA, Plin. xv. 29. s. 36. *Plutarch. Quæst. Rom.* 20. *Varr. L. L.* iv. 32. *Serv. in Virg. Æn.* viii. 635., and the month most agreeable to her was April, because it produced flowers; hence called *mensis VENERIS*, Horat. *Od.* iv. 11. 15., on the first day of which the matrons, crowned with myrtle, used to bathe themselves in the Tyber, near the temple of FORTUNA VIRILIS, to whom they offered frankincense, that she would conceal their defects from their husbands, Ovid. *Fast.* iv. 139. &c.

The attendants of Venus were her son CUPID; or rather the Cupids, for there were many of them; but two most remarkable, one (*Eros*) who caused love, and the other (*Antëros*) who made it cease, or produced mutual love; painted with wings, a quiver, bow, and darts. The three Graces, *Gratiæ* vel *Charites*, *Aglaia* or *Pasithea*, *Thalia*, and *Euphrosyne*, represented generally naked, with their hands joined together; and NYMPHS dancing with the Graces, and Venus at their head, Horat. *Od.* i. 4. 5. — 30. 6. ii. 8. 13. Senec. *Benef.* i. 3.

8. VULCANUS vel *Muleiber*, the god of fire (IGNIPOTENS, *Virg.* x. 243.) and of smiths; the son of Jupiter and Juno, and husband of Venus; represented as a lame blacksmith, hardened from the forge, with a fiery red face whilst at work, and tired and heated after it. He is generally the subject of pity or ridicule to the other gods, as a cuckold and lame.

Vulcan is said to have had his workshop (*officina*) chiefly in Lemnos, and in the Æolian or *Lipari* islands near Sicily, or in a cave of Mount Ætna. His workmen were the *Cyclôpes*, giants with one eye in their forehead, who were usually employed in making the thunderbolts of Jupiter, *Virg. Æn.* viii. 416. &c. Hence Vulcan is represented in spring as eagerly lighting up the fires in their toilsome or strong-smelling workshops (*graves ardens urit officinas*), to provide plenty of thunderbolts for Jupiter to throw in summer, *Horat. Od.* i. 4. 7., called *avidus*, greedy, *Id.* iii. 58., as Virgil calls *ignis*, fire, *edax*, from its devouring all things, *Æn.* ii. 758. — Sometimes put for fire, *ib.* 311. v. 662. vii. 77. *Horat. Sat.* i. 5. 74. *Plaut. Amph.* i. 1. 185., called *luteus*, from its colour, from *luteum* v. *lutum*, woad, the same with *glastum*, *Cæs. B. G.* v. 14.; which dyes yellow; *herba qua cæruleum inficiunt*, *Vitruv.* vii. 14., *Plin.* xxxiii. 5. s. 26. *Croceo mutabit vellera luto*, *Virg. Ecl.* v. 44., *luteum ovi*, the yolk of an egg, *Plin.* x. 53., or rather from *lutum*, clay, *luteus*, dirty, *Juven.* x. 132. Cicero also mentions more than one Vulcan, *Nat. D.* iii. 22., as indeed he does in speaking of most of the gods.

9. MARS or *Mavors*, the god of war and son of Juno; worshipped by the Thracians, Getæ, and Scythians, and especially by the Romans, as the father of Romulus, their founder, called *Gradivus* (a *gradiendo*), *Ovid. Fast.* ii. 861., painted with a fierce aspect, riding in a chariot, or on horseback, with a helmet and a spear. Mars, when peaceable, was called QUIRINUS, *Serv. in Virg.* i. 296. — BEL-LONA, the goddess of war, was the wife or sister of Mars.

A round shield (ANCILE *quod ab omni parte recisum est*, *Ovid. Fast.* iii. 377.)\* is said to have fallen from heaven in the reign of Numa, supposed to be the shield of Mars; which was kept with great care in his sanctuary, as a symbol of the perpetuity of the empire, by the priests of Mars; who were called SALII; and that it might not be stolen, eleven others were made quite like it (*ancilia, -ium, vel -iorum.*)

The animals sacred to Mars were the horse, wolf, and the woodpecker (*picus*). Mars is often, by a metonymy, put for war or the fortune of war; thus, *Æquo, vario, ancipite, incerto Marte pugnatum est*, with equal, various, doubtful success; *Mars communis*, the uncertain events of war, *Cic. Accendere Martem cantu*, i. e. *pugnam vel milites ad pugnam tubâ*; *collato Marte et eminus pugnare*; *invadunt Martem clypeis*, i. e. *pugnam ineunt*, *Virg. Nostro Marte aliquid peragere*, by our own strength, without assistance, *Cic. Verecundiæ erat, equitem suo alienoque Marte pugnare*, on horseback and on foot, *Liv.* iii. 62. *Valere Marte forensi*, to be a good pleader, *Ovid. Pont.* iv. 6. 39. *Dicere difficile est, quid Mars tuus egerit illic*, i. e. *bellica virtus*, valour or courage, *ib.* 7. 45. *Nostro Marte*, by our army or soldiers,

\* On the form, see *Crombie's Gymn.* i. p. 247.

*Horat. Od. iii. 5. 24. Altero Marte, in a second battle, ib. 34. Martia, your manner of fighting, Ovid. Art. Am. i. 212. Incursu gemini Martis, by land and sea, Lucan. vi. 269.*

10. **MERCURIUS**, the son of Jupiter and Maia, the daughter of Atlas; the messenger of Jupiter and of the gods; the god of eloquence; the patron of merchants and of gain, whence his name [*from merx*], (according to others, *quasi Medicurrius, quòd medius inter deos et homines currebat*); the inventor of the lyre and of the harp; the protector of poets or men of genius (*Mercurialium virorum*), of musicians, wrestlers, &c.; the conductor of souls or departed ghosts to their proper mansions; also the god of ingenuity and of thieves, called *Cyllenius* v. *Cyllenia proles*, from *Cyllene*, a mountain in Arcadia on which he was born; and *Tegeæus*, from *Tegæa*, a city near it.

The distinguishing attributes of Mercury are his *Petäus*, or winged cap; the *Talaria*, or winged sandals for his feet; and a *Caduceus*, or wand (*virga*) with two serpents about it, in his hand; sometimes as the god of merchants he bears a purse (*marsupium*), *Horat. Od. i. 10. Virg. Æn. iv. 239. viii. 138.*

Images of Mercury (*HERMÆ trunci*, shapeless posts with a marble head of Mercury on them, *Juvenal. viii. 53.*) used to be erected where several roads met (*in compitis*), to point out the way; on sepulchres, in the porches of temples and houses, &c. *Ex quovis ligno non fit Mercurius*, every one cannot become a scholar.

11. **APOLLO**, the son of Jupiter and Latona, born in the island Delos; the god of poetry, music, medicine, augury, and archery; called also *Phæbus* and *Sol*. He had oracles in many places, the chief one at *Delphi* in Phocis; called by various names from the places where he was worshipped: *Cynthius*, from *Cynthus*, a mountain in Delos; *Patareus*, or *-æus*, from *Patära*, a city in Lycia; *Latōus*, son of Latona; *Thymbræus*, *Grynæus*, &c. also *Pythius*, from having slain the serpent *Python*, (*vel α πύθισθαι, quòd consuleretur.*)

Apollo is usually represented as a beautiful beardless young man, with long hair, (hence called *intonsus et crinitus*, *Ovid. Trist. iii. 1. 60.*) holding a bow and arrows in his right hand, and in his left hand a lyre or harp. He is crowned with laurel, which was sacred to him, as were the hawk and raven among the birds.

The son of Apollo was **ÆSCULAPIUS**, the god of physic, worshipped formerly at *Epidaurus* in *Argolis*, under the form of a serpent, or leaning on a staff, round which a serpent was entwined:—represented as an old man, with a long beard, dressed in a loose robe, with a staff in his hand. \*

Connected with Apollo and Minerva were the nine **MUSES**; said to be the daughters of Jupiter and *Mnemosyne* or memory: *Calliōpe*, the muse of heroic poetry; *Clio*, of history; *Melpomēne*, of tragedy; *Thalia*, of comedy and pastorals; *Erato*, of love songs and hymns; *Euterpe*, of playing on the flute; *Terpsichōre*, of the harp; *Polyhymnia*, of gesture and delivery, also of the three-stringed instrument called *Barbitos*, vel *-on*; and *Urania*, of astronomy, *Auson. Eidyl. 20. Diodor. iv. 7. Phurnutus de Naturâ Deorum.*

The muses frequented the mountains *Parnassus*, *Helicon*, *Piërus*,

\* A temple was built to that deity on an island in the Tiber. — *Ovid. F. i. 291.*

&c., the fountains *Castalius*, *Aganippe*, or *Hippocrène*, &c., whence they had various names, *Heliconides*, *Parnassides*, *Pierides*, *Castalides*, *Thespiades*, *Pimpliades*, &c.

12. DIANA, the sister of Apollo, goddess of the woods and of hunting; called *Diana* on earth, *Luna* in heaven, and *Hecate* in hell: hence *tergemina*, *diva triformis*, *Tria virginis ora Diana*, Virg. *Æn.* iv. 52. Also *Lucina*, *Ilithyia*, et *Genitalis* seu *Genetyllis*; because she assisted women in childbirth; *Noctiluca*, and *siderum regina*, Horat.; *Trivia*, from her statues standing where three ways met.\*

Diana is represented as a tall beautiful virgin, with a quiver on her shoulder, and a javelin or a bow in her right hand, chasing deer or other animals.

These twelve deities were called CONSENTES, -um; Varr. *L. L.* vii. 38., *quia in consilium Jovis adhibebantur*, Augustin. de Civit. Dei, iv. 23. *Duodecim enim deos advocat*, Senec. Q. Nat. ii. 41., (a consensu, quasi consentientes; vel a consendo, i. e. consulo;) and are comprehended in these two verses of Ennius, as quoted by Apuleius, de Deo Socratis:

*Juno, Vesta, Minerva, Ceres, Diana, Venus, Mars,  
Mercurius, Jovi' †, Neptunus, Vulcanus, Apollo.*

On ancient inscriptions they are thus marked: — J. O. M. i. e. *Jovi optimo maximo*, CETERISQ. DIS CONSENTIBUS. They were also called DII MAGNI, Virg. *Æn.* iii. 11. Ovid. *Amor.* iii. 6., and CÆLESTES, Vitruv. i. 8. Virg. *Æn.* i. 391. Cic. *Legg.* ii. 8.; or NOBILES, Ovid. *Met.* i. 172., and are represented as occupying a different part of heaven from the inferior gods, who are called PLEBS, *ibid.* ‡

#### THE DII SELECTI WERE EIGHT IN NUMBER.

1. SATURNUS, the god of time; the son of *Cælus* or *Urānus*, and *Terra* or *Vesta*. §

Titan his brother resigned the kingdom to him on this condition, that he should rear no male offspring. On which account he is feigned by the poets to have devoured his sons as soon as they were born. But *Rhea* found means to deceive him, and bring up by stealth Jupiter and his two brothers.

Saturn, being dethroned by his son Jupiter, fled into Italy, and gave name to *Latium*, from his lurking there (*a latendo*). He was kindly received by Janus king of that country. Under Saturn is supposed to have been the golden age, when the earth produced food in abundance

\* Ovid. *F.* i. 141. The Arician grove was sacred to Diana; the priest, called *rex nemorensis*, was a runaway slave, who had slain his predecessor in office. Ovid. *F.* iii. 271. Sueton. *Calig.* 35. Regi Nemorensi, quod multos jam annos potiretur sacerdotio, validiorem adversarium subornavit.

† *Jovis*, or, according to Varro, *Diovis*, was the old form for Jupiter.

‡ “*Liv.* xxii. 10. Lectisternium per triduum habitum, decemviris sacrorum curantibus; sex pulvinaria in conspectu fuere; Jovi ac Junoni unum; alterum Neptuno ac Minervæ; tertium Marti ac Veneri; quartum Apollini ac Dianæ; quintum Vulcano ac Vestæ; sextum Mercurio ac Cereri.” — T.

§ “Saturn and his wife Ops are most probably the god and goddess of the earth, its vivifying and its receptively productive powers; its depths are his kingdom.” — Nieb. i. p. 66.

spontaneously, when all things were in common, *Virg. G. i. 125.*, and when there was an intercourse between the gods and men upon earth; which ceased in the brazen and iron ages, when even the virgin *Astræa*, or goddess of justice herself, who remained on earth longer than the other gods, at last, provoked by the wickedness of men, left it, *Ovid. Met. i. 150.* The only goddess then left was Hope, *Id. Pont. i. 6. 29.*

Saturn is painted as a decrepit old man, with a scythe in his hand, or a serpent biting off its own tail.

2. JANUS, the god of the year, who presided over the gates of heaven, and also over peace and war.\* He is painted with two faces (*bifrons* vel *biceps*) [*Ovid. F. i. 65. 103.*]. His temple was open in time of war, and shut in time of peace, *Liv. i. 19.*† A street in Rome; contiguous to the Forum, where bankers lived, was called by his name, thus, *Janus summus ab imo*, the street Janus from top to bottom, *Horat. Ep. i. 1. 54.*, *medius*, the middle part of it, *Sat. ii. 3. 18.* *Cic. Phil. vi. 5.* Thoroughfares (*transitiones perviæ*) from him were called *Jani*‡, and the gates at the entrance of private houses, *Januæ*, *Cic. N. D. ii. 27.*; thus, *dextro JANO portæ CARMENTALIS*, *Liv. ii. 49.* §

3. RHEA, the wife of Saturn; called also *Ops*, *Cybèle*, *Magna Mater*, *Mater Deorum*, *Berecynthia*, *Idæa*, and *Dindymène*, from three mountains in Phrygia. She was painted as a matron, crowned with towers (*turrita*), sitting in a chariot drawn by lions, *Ovid. Fast. iv. 249.* &c.

*Cybèle*, or a sacred stone, called by the inhabitants the mother of the gods, was brought from *Pessinus* in Phrygia to Rome, in the time of the second Punic war [A. U. C. 547], *Liv. xxix. 11. 14.* ||

4. PLUTO, the brother of Jupiter, and king of the infernal regions; called also *Orcus*, *Jupiter infernus et Stygius*: [*Summanus*, *Ovid. F. vi. 731.* ed. Keight.] The wife of Pluto was PROSERPINA, the daughter of *Ceres*, whom he carried off, as she was gathering flowers

\* "Janus or Dianus, as Scaliger has shown, is the god of the sun." — *Nieb. i. p. 66.*

† The temple of Janus was shut all the long reign of Numa; secondly, A. U. C. 519, upon the conclusion of the first Punic war; thirdly, by Augustus, A. U. C. 725; and twice more by the same emperor, A. U. C. 729, and again about the time of our Saviour's birth: then by Nero, A. U. C. 811; afterwards by Vespasian, A. U. C. 824; and, lastly, by Constantius, when, upon Magnentius's death, he was left sole possessor of the empire, A. U. C. 1105. — *Vid. Casaubon, Not. ad Suet. August. cap. 22.*

‡ "The Romans gave the name of *Jani* to arches, like that of Temple Bar, in London, under which people passed from one street into another. They were always double, people entering by one and going out by the other, every one keeping to the right." — *Keightley on Ovid. F. i. 257.*

§ To Janus, as the *cælestis janitor aulæ*, offerings were first made when the Romans were about to sacrifice to other gods. — *Ovid. F. i. 173.*

|| The goddess Cybele was brought to Rome agreeably to an oracle, which had predicted that, if a foreign enemy invaded Italy, he might be vanquished by the Romans possessing themselves of this powerful protectress. Five ambassadors were sent by the senate for the purpose of completing this negotiation; and the influence of Attalus was also secured on the occasion. "The sacred stone was committed to the care of P. Corn. Scipio Nasica, the son of Cneius, who had fallen in Spain, as being the most virtuous man in Rome. It was brought into the temple of Victory, which was on the Palatine. The temple was not finished until thirteen years after, and the stage plays acted on that occasion were, according to Valerius Antias, the first ever performed at Rome." — *Keightley on Ovid. F. iv. 347.*

in the plains of *Enna* in Sicily; called *Juno inferna* or *Stygia*, often confounded with *Hecate* and *Luna* or *Diana*; supposed to preside over sorceries or incantations (*veneficiis præesse*).

There were many other infernal deities, of whom the chief were the FATES or *Destinies*, (PARCÆ, a *parcendo*, vel *per ANTI-PHRASIN quòd nemini parcant*,) the daughters of *Jupiter* and *Themis*, or of *Erēbus* and *Nox*, three in number; *Clotho*, *Lachēsis*, and *Atrōpos*, supposed to determine the life of men by spinning, *Ovid. Pont. i. 8. 64. Ep. xii. 3.* *Clotho* held the distaff, *Lachēsis* spun, and *Atrōpos* cut the thread: when there was nothing on the distaff to spin, it was attended with the same effect, *Ovid. Amor. ii. 6. 46.* Sometimes they are all represented as employed in breaking the threads, *Lucan. iii. 18.\** The FURIES, (*Furiæ* vel *Diræ*, *Eumenides* vel *Erinnyes*,) also three in number, *Alecto*, *Tisiphōne*, and *Megæra*; represented with wings, and snakes twisted in their hair: holding in their hands a torch, and a whip to torment the wicked; MORS vel *Lethum*, death; SOMNUS, sleep, &c. The punishments of the infernal regions were sometimes represented in pictures, to deter men from crimes, *Plaut. Captiv. v. 4. 1.*

5. BACCHUS, the god of wine, the son of *Jupiter* and *Semēle*; called also *Liber* or *Lyæus*, [from *λύω*,] because wine frees the minds of men from care: described as the conqueror of India; represented always young, crowned with vine or ivy leaves [or berries, hence called *corymbifer*, *Ovid. F. i. 393.*], sometimes with horns; hence called CORNIGER, *Ovid. Ep. xiii. 33.*, holding in his hand a *thyrsus*, or spear bound with ivy: his chariot was drawn by tigers, lions, or lynxes, attended by *Silenus* his nurse and preceptor, Bacchanals, (frantic women, *Bacchæ*, *Thyādes*, vel *Mænādes*,) and satyrs, *Ovid. Fast. iii. 715 — 770. Ep. iv. 47. †*

The sacred rites of Bacchus (*Bacchanalia*, ORGIA, vel *Dionysia*,) were celebrated every third year (hence called *trietērica*,) in the night-time, chiefly on *Cithæron*, and *Ismēnus* in Bœotia, [in the island of Naxos,] on *Ismārus*, *Rhodōpe*, and *Edon* in Thrace. ‡

\* So Juvenal, speaking of a son who feels it irksome to wait for the death of his father: —

“ Nota Mathematicis genesis tua; sed grave tardas  
Expectare colos: morieris stamine nondum  
Abrupto: ” —

xiv. 248—250.

“ You will die by a premature death; ” i. e. not a natural death.

† A goat was sacrificed to him, as being injurious to the vines, *Ovid. F. i. 357.* There was also a deity *Libera*, the same with *Ariadne*, according to *Ovid (ib. iii. 512.)*; according to others, with *Proserpina*.

‡ The Bacchanalia were first introduced from Greece to Etruria, and thence to Rome. Of the enormities practised at these festivals, *Livy* has left an account (xxxix. 8.). They were abolished in the year of Rome 566. “ It is with reason that *Sophocles (Antiq. 1115.)* styles *Dionysius* or *Bacchus many-named (πολύωνυμος)*, for in the Orphic Hymns alone we meet with upwards of forty of his appellations. Some of the principal of them are *Bromius*, probably from the noise with which his festivals were celebrated; *Bassareus*, from the long dresses, named *bassaræ*, worn by the Thracians (*Hor. Od. i. 18.*); *Dithyrambus*, from the odes of that name, or from his double birth (δὲς Δύρα); *Eleleus* and *Euius*, from the shouting; *Lenæus*, from the wine-press.” — (*Keightley's Myth. p. 187.*) Add to these, *Thyōneus (Hor. Od. i. 17.)* from *Thyōne*, a name of *Semele*.



**PRIAPUS**, the god of gardens, was the son of Bacchus and Venus, *Serv. in Virg. G. iv. 3. \**

6. **SOL**, the sun, the same with Apollo; but sometimes also distinguished, and then supposed to be the son of *Hyperion*, one of the *Titans* or giants produced by the earth; who is also put for the sun.

*Sol* was painted in a juvenile form, having his head surrounded with rays, and riding in a chariot drawn by four horses, attended by the *Horæ* or four seasons: *Ver*, the spring; *Æstas*, the summer; *Autumnus*, the autumn; and *Hiems*, the winter, *Ovid. Met. ii. 25.*

The sun was worshipped chiefly by the Persians under the name of *Mithras*. [They sacrificed the horse to him, *Ovid. F. i. 385.*]

7. **LUNA**, the moon, as one of the *Dii Selecti*, was the daughter of Hyperion and sister of *Sol*. Her chariot was drawn only by two horses.

8. **GENIUS**, the *dæmon* or tutelary god, who was supposed to take care of every one from his birth during the whole of life. Places and cities, as well as men, had their particular *Genii*.

It was generally believed that every person had two *Genii*, the one good, and the other bad. *Defraudare genium suum*, to pinch one's appetite, *Ter. Phorm. i. 1. 10.* *Indulgere genio*, to indulge it, *Pers. v. 151.†*

Nearly allied to the *Genii* were the **LARES** and **PENATES**, household-gods, who presided over families.

The *Lares* of the Romans appear to have been the *manes* of their ancestors, *Virg. Æn. ix. 255.* Small waxen images of them, clothed with a skin of a dog, were placed round the hearth in the hall (*in atrio*). On festivals they were crowned with garlands, *Plaut. Trin. i. 1.*, and sacrifices were offered to them, *Juvenal. xii. 89.* *Suet. Aug. 31.* There were not only *Lares domestici et familiares*, but also *Compitales et viales, militares et marini*, &c.

The *Penates* (*sive a penu; est enim omne quo vescuntur homines, PENUS; sive quòd penitus insident*, *Cic. Nat. Deor. ii. 27.* *Dii per quos penitus spiramus*, *Macrob. Sat. iii. 4.* *Idem ac Magni Dii, Jupiter, Juno, Minerva*, *Serv. ad Virg. Æn. ii. 296.*) were worshipped in the innermost part of the house, which was called *Penetralia*: also *Impluvium*, or *Compluvium*, *Cic. et Suet. Aug. 92.* There were likewise *Publici Penates*, worshipped in the Capitol, *Liv. iii. 17.*, under whose protection the city and temples were. These *Æneas*

\* The ass was sacrificed to him (*Ovid. F. i. 391.*). He was worshipped principally at Lampsacus, on the Hellespont.

† "The genius was regarded as an attending spirit, associated with man from his birth; and he appeared white or black, according as a man lived well or ill. These *genii* are frequently to be seen on the paintings of the Etruscan vases. The black genius is represented carrying a large hammer or mallet; they are both winged: wine and flowers were the offerings to the genius. Philosophical writers, as Horace (*Od. iii. 17. 14. A. P. 209.*), seem to have been inclined to regard the genius as being the same with the soul:—

'Scit genius, natale comes qui temperat astrum,  
Naturæ deus humanæ, mortalis in unum—  
Quodque caput, vultu mutabilis, albus et ater.'—*Hor. Ep. ii. 2. 187.*

The worship of the genius continued till the demise of paganism, as it is mentioned in the Theodosian Code:—'Nullus Larem igne, mero genium, Penates nullo veneratus.' (*De Paganis.*)"—*Keightley's Myth. p. 470.*

brought with him from Troy, *Virg. Æn.* ii. 293. 717. iii. 148. iv. 598. Hence *Patrii Penates, familiaresque*, *Cic. pro Dom.* 57.

Some have thought the *Lares* and *Penates* the same; and they seem sometimes to be confounded, *Cic. P. Quinct.* 26, 27. *Verr.* iv. 22. They were, however, different, *Liv.* i. 29. The *Penates* were of divine origin; the *Lares*, of human.\* Certain persons were admitted to the worship of the *Lares*, who were not to that of the *Penates*. The *Penates* were worshipped only in the innermost part of the house, the *Lares* also in the public roads, in the camp, and on sea.

*Lar* is often put for a house or dwelling: *Apto cum lare fundus*, *Horat. Od.* i. 12. 44. *Ovid. Fast.* vi. 95. 362. So *Penates*: thus, *Nostris succede Penatibus hospes*, *Virg. Æn.* viii. 123. *Plin. Pan.* 47. *Ovid. Fast.* vi. 529.

#### DII MINORUM GENTIUM, OR INFERIOR DEITIES.

THESE were of various kinds:

1. *Dii INDIGETES*, or heroes, ranked among the gods on account of their virtue and merits; of whom the chief were, —

HERCULES, the son of Jupiter, and Alcmena wife of Amphitryon, king of Thebes; famous for his twelve labours, and other exploits: squeezing two serpents to death in his cradle, killing the lion in the Nemeæan wood, the Hydra of the lake Lerna, the boar of Erymanthus, the brazen-footed stag on Mount Mænālus, the harpies in the lake of Stympḥālus, Diomedes, and his horses, who were fed on human flesh, the wild bull in the island of Crete, cleansing the stables of Augeas, subduing the Amazons and Centaurs, dragging the dog Cerberus from hell, carrying off the oxen of the three-bodied Geryon from Spain, fixing pillars in the *fretum Gaditanum*, or Straits of Gibraltar, bringing away the golden apples of the *Hesperides*, and killing the dragon which guarded them, slaying the giant Antæus, and the monstrous thief Cacus, &c. [*Ovid. F.* i. 543.]

Hercules was called *Alcides*, from *Alcæus*, the father of *Amphitryon*; and *Tirynthius*, from *Tiryns*, the town where he was born; *Oeteus*, from Mount *Oete*, where he died. Being consumed by a poisoned robe, sent him by his wife Dejanira in a fit of jealousy, which he could not pull off, he laid himself on a funeral pile, and ordered it to be set on fire.

Hercules is represented of prodigious strength, holding a club in his right hand, and clothed in the skin of the Nemeæan lion.

Men used to swear by Hercules in their asseverations: *Hercle*, *Mehercle*, vel *-es*; so under the title of DIUS FIDIUS, i. e. *Deus fidei*, the god of faith or honour; thus, *per Dium Fidium*, *Plaut.*, *me Dius fidius*, sc. *juvet*, *Sallust. Cat.* 35.†

\* According to *Ovid* (*F.* ii. 615.), they were the offspring of Mercury and the nymph *Lara*. "The word *Lar* is Etruscan, and signified *Lord*." — *Keightley*.

† The altar, called *Ara Maxima* (*Ovid. F.* i. 581.), erected to Hercules by *Evander*, was remaining at Rome in the time of Augustus. It stood in the ox market; for Hercules was invoked in all verbal bargains. According to several commentators, those monosyllables *me* and *e* had the same force amongst the Latins as the preposition *per*; so *me Dius Fidius* and *per Dium Fidium*, *à Castor* and *per Castorem*,

Hercules was supposed to preside too over treasures: hence *Dires amico Hercule*, Horat. Sat. ii. 6. 12. *dextro Hercule*, by the favour of Hercules, Pers. ii. 11. Hence those who obtained great riches consecrated (*pollucebant*) the tenth part to Hercules, Plaut. Stich. i. 3. 80. Bacch. iv. 14, 15. Plutarch. in Crasso, init.\*

CASTOR and POLLUX, sons of Jupiter and Leda, the wife of Tyndārus king of Sparta, brothers of Helena and Clytemnestra, said to have been produced from two eggs; from one of which came Pollux and Helena, and from the other, Castor and Clytemnestra. But Horace makes Castor and Pollux to spring from the same egg, Sat. ii. 1. 26. He, however, also calls them FRATRES HELENÆ, Od. i. 3. 2. — the gods of mariners, because their constellation was much observed at sea: — called Tyndaridæ, Gemini, &c. Castor was remarkable for riding, and Pollux for boxing, Horat. Od. i. 12. 26.; represented as riding on white horses, with a star over the head of each, and covered with a cap; hence called FRATRES PILEATI, Festus. Catull. 35. There was a temple at Rome dedicated to both jointly, but called the temple only of Castor, Dio. xxxvii. 8. Suet. Cæs. 10. [Built by Tiberius, Ovid. F. i. 707.]

Æneas, called Jupiter Indiges†; and Romulus, QUIRINUS, after being ranked among the gods, either from Quiris a spear, or Cures, a city of the Sabines, Ovid. Fast. ii. 475—480.

The Roman emperors also, after their death, were ranked among the gods.

2. There were certain gods called SEMONES‡, (*quasi semi-homines, minores diis at majores hominibus*,) Liv. viii. 20.; as

PAN, the god of shepherds, the inventor of the flute; said to be the son of Mercury and Penelöpe, Cic., worshipped chiefly in Arcadia; hence called Arcadius and Mænalius, or -ides, and Lycæus, from two mountains there; Tegeæus, from a city, &c.; called by the Romans Inuus; — represented with horns and goats' feet.

Pan was supposed to be the author of sudden frights, or causeless alarms; from him called Panici terrores, Dionys. v. 16.

FAUNUS and SYLVANUS, supposed to be the same with Pan.§ The wife or daughter of Faunus was Fauna or Fatua, called also Marica and BONA DEA, Macrobian. Sat. i. 12.||

signified the same things. This form of speech answered to the particles  $\mu\alpha$ ,  $\nu\eta$ , which the Greeks made use of in their oaths.

\* His wife was Hebe, daughter of Jupiter and Juno, worshipped at Rome under the name of Juventas. The temple of Hercules Custos was in the Circus Flaminius. He was the tutelar divinity of slaves. Human sacrifices were offered to him by the Carthaginians. — Liv. xx. 57. Plin. N. H. xxxvi. 5.

† “The Roman consuls, with the pontiffs, offered a yearly sacrifice to him on the banks of the Numicius.” — Nieb. i. p. 165.

‡ A Sabine deity, whose temple was on the Quirinal, was worshipped under the names of Sancus, Fidius, and Semo. See Keightley on Ovid. F. vi. 213.

§ “A temple was built to Faunus on the island in the Tiber, with the money arising from fines, and dedicated A. U. C. 509.” — Keightley on Ovid. F. ii. 193. His worship was introduced by Evander, v. 99.

|| “Between Saturn and the Trojan settlement, the legend counted only three kings of the aborigines, Picus, Faunus, and Latinus, son after son; who, when removed from the earth, were exalted to the rank of gods, and adored as Indigetes. It is only the later account which makes Latinus fall in the battle with Turnus or Mezentius; according to the genuine legend, he disappeared, and was worshipped as Latialis.” — Nieb. i. p. 66.

There were several rural deities called FAUNI, who were believed to occasion the nightmare (*ludibria noctis vel ephialten immittere*), Plin. xxv. 4.

VERTUMNUS, who presided over the *change* of seasons and merchandise; — supposed to transform himself into different shapes, Propert. iv. 2. Hence, *Vertumnis natus iniquis*, an inconstant man, Horat. Sat. ii. 7. 14.

POMONA, the goddess of gardens and fruits; the wife of Vertumnus, Ovid. Met. xiv. 623, &c.

FLORA, the goddess of flowers; called *Chloris* by the Greeks, Lactant. i. 20. 6. Ovid. Fast. v. 195.

TERMINUS, the god of boundaries\*; whose temple was always open at the top, Festus. (*Se supra ne quid nisi sidera cernat*, Ovid. Fast. ii. 671.) And when before the building of the Capitol all the temples of the other gods were unhallowed (*exaugurarentur*), it alone could not, Liv. i. 55. v. 54. JOVI IPSI REGI NOLUIT CONCEDERE, Gell. xii. 6., which was reckoned an omen of the perpetuity of the empire, Liv. *ibid.*†

PALES, a god or goddess who presided over flocks and herds; usually feminine, *Pastoria PALES*, Flor. i. 20. [Ovid. F. iv. 721. See p. 1.]

HYMEN *vel* HYMENÆUS, the god of marriage.

LAVERNA, the goddess of thieves, Horat. Ep. i. 16. 60. ‡

VACUNA, who presided over *vacation*, or respite from business, Ovid. Fast. vi. 307. [Hor. Ep. i. 10. 49.]

AVERRUNCUS, the god who averted mischiefs (*mala averruncabat*), Varr. vi. 5. — There were several of these.

FASCINUS, who prevented fascination or enchantment.

ROBĪGUS, the god, and RUBĪGO, or ROBĪGO, the goddess, who preserved corn from blight (*a rubigine*), Gell. v. 13. Ovid mentions only the goddess ROBIGO, Fast. iv. 911. §

MEPHITIS, the goddess of bad smells, Serv. in Virg. Æn. vii. 84. CLOACINA, of the *cloācæ*, or common sewers.

Under the *Semōnes* were comprehended the NYMPHS (*nymphæ*),

\* The *Dii Termini*, invented by Numa, were, in his time, nothing more than square stones or posts, erected to mark the limits of public and private property. Any person might kill the individual who removed or attempted to remove them; and in order to render the law still more inviolable, Numa instituted a festival in their honour, called the *Terminalia*. On the ceremonies observed, see Ovid. F. ii. 6. 39. Nieb. i. p. 201.

† Rather, that its boundaries would not fall back. Livy states the same of *Juventas*, a token that the youth of the Roman empire would not fade. See Nieb. i. p. 428.

‡ “At Rome she had an altar by the temple of Tellus, near the gate which was called from her the gate of Laverna, *Porta Lavernalis*. There was also a temple of this goddess near Formiæ. (Cic. Att. vii. 8.) It is not improbable that Laverna and Latona are related, and both names derived from *luteo*, signifying of *darkness* or *obscurity*. It is rather curious that *t* and *v* should be commutable, yet there are many instances of it, such as *τῖλλω* and *vello*, *δέλλω* and *volo*, *κλιτύς* and *clivus*. To these may perhaps be added, *Latinus* and *Lavinum*, and certainly *vallis*, and the German *thal*, and English *dale*.” — Keightley’s Myth. p. 474.

§ A dog was sacrificed, to represent Canicula, the dog-star. (Ovid. F. iv. 941.)

“Pro cane sidereo canis hic imponitur aræ;  
Et, quare pereat, nil nisi nomen habet.”

female deities, who presided over all parts of the earth: over mountains, *Oreïdes*; woods, *Dryades*, *Hamadryades*, *Napeæ*; rivers and fountains, *Naiades* vel *Naiades*; the sea, *Nereides*, *Oceanitides*, &c. — Each river was supposed to have a particular deity, who presided over it; as, *Tiberinus* over the Tiber, *Virg. Æn. viii. 31. 77. Eridanus* over the Po; *taurino cultu*, with the countenance of a bull, and horns; as all rivers were represented, (*quod flumina sunt atrocia, ut tauri, Festus*; vel *propter impetus et mugitus aquarum, Vet. Schol. in Horat. Od. iv. 14. 25. Sic tauriformis rotatur Aufidus,*) *Virg. G. iv. 371. Ovid. Met. ix. pr. Ælian. ii. 33. Claudian. cons. Prob. 214, &c.* The sources of rivers were particularly sacred to some divinity, and cultivated with religious ceremonies, *Senec. Ep. 41.* Temples were erected; as to Clitumnus, *Plin. Ep. viii. 8.*, to Ilissus, *Pausan. i. 19.*; small pieces of money were thrown into them, to render the presiding deities propitious; and no person was allowed to swim near the head of the spring, because the touch of a naked body was supposed to pollute the consecrated waters, *ibid. & Tacit. Ann. xiv. 22.* Thus no boat was allowed to be on the *lacus Vadimonis*, *Plin. Ep. viii. 20.*, in which were several floating islands, *ibid. & Plin. ii. 95. s. 96.* Sacrifices were also offered to fountains; as by Horace to that of Bandusia, *Od. iii. 13.*, whence the rivulet Digentia probably flowed, *Ep. i. 18. 104.*

Under the SEMONES were also included the judges in the infernal regions, MINOS, *Æacus* and *Rhadamanthus*; CHARON, the ferryman of hell, (PORTITOR, *Virg. Æn. vi. 298. PORTHMEUS, -eos, Juvenal. iii. 266.*) who conducted the souls of the dead in a boat over the rivers *Styx* and *Acheron*, and extracted from each his *portorium* or freight (*naulum*), which he gave an account of to Pluto; hence called PORTITOR; the dog CERBERUS, a three-headed monster, who guarded the entrance of hell.

The Romans also worshipped the virtues and affections of the mind, and the like; as *Piety, Faith, Hope, Concord, Fortune\**, *Fame*, [*Mens*, *Ovid. F. vi. 245. Cic. de N. D. iii. 36. Liv. xxii. 10.*] &c., *Cic. Nat. D. ii. 23.*, even vices and diseases, *Id. Legg. ii. 11. Nat. D. iii. 25. Juvenal. i. 115.*; and under the emperors likewise foreign deities; as *Isis, Osisis, Anubis*, of the Egyptians, *Lucan. viii. 891.*; also the winds and the tempests: *Eurus*, the east wind; *Auster* or *Notus*, the south wind; *Zephyrus*, the west wind; *Boreas*, the north wind; *Africus*, the south-west; *Corus*, the north-east; and ÆOLUS, the god of the winds, who was supposed to reside in the *Lipari* islands, hence called *Insulæ Æoliæ*: AURÆ, the air-nymphs or sylphs, &c.†

The Romans worshipped certain gods that they might do them good, and others that they might not hurt them; as *Aterramens* and *Robigus*. There was both a good Jupiter and a bad; the former was called DIJOVIS (*a jurando*), or *Diespiter*, and the latter, VEJOVIS, or VEDIUS, *Gell. v. 12.* But Ovid makes *Vejovis* the same with *Jupiter parvus*, or *non magnus*, *Fast. iii. 445. &c.*

\* Her temple at Antium was of great celebrity. — *Hor. Od. i. xxxv.*

† The Horæ, Goddesses of the Seasons, daughters of Jupiter and Themis. (*Ovid. F. v. 217.*) A temple was built to *Tempestas* by L. Scipio, who conquered Corsica, A. U. C. 493. — *Id. F. vi. 193.*

## II. MINISTRI SACRORUM, THE MINISTERS OF SACRED THINGS.\*

THE ministers of religion, among the Romans, did not form a distinct order from the other citizens. (See p. 96.) They were usually chosen from the most honourable men in the state.

Some of them were common to all the gods (*omnium deorum sacerdotes*); others appropriated to a particular deity (*uni alicui numini addicti*). Of the former kind were,

I. The PONTIFICES (*a posse facere, quia illis jus erat sacra faciendi; vel potius a ponte faciendo, nam ab iis sublicius est factus primùm et restitutus sæpe, cùm ideo sacra et uis et cis Tiberim fiant, Varr. L. L. iv. 15. Dionys. ii. 73. iii. 45.*) were first instituted by Numa, *Liv. iv. 4. Dionys. ii. 73.*, chosen from among the patricians; four in number [*"i. e. half for the Ramnes, half for the Tities," Nieb. i. p. 258.*], till the year of the city 454, when four more were created from the plebeians, *Liv. x. 6.*† Some think, that originally there was only one *Pontifex*; as no more are mentioned in Livy, i. 20. ii. 2. Sylla increased their number to fifteen, *Liv. Ep. 89.* They were divided into MAJORES and MINORES, *Cic. Harusp. R. 6. Liv. xxii. 57.* Some suppose the seven added by Sylla and their successors to have been called *minores*; and the eight old ones, and such as were chosen in their room, MAJORES. Others think the *maiores* were patricians, and the *minores* plebeians. Whatever be in this, the cause of the distinction certainly existed before the time of Sylla, *Liv. ib.* The whole number of the *Pontifices* was called COLLEGIUM, *Cic. Dom. 12.*

The *Pontifices* judged in all causes relating to sacred things; and, in cases where there was no written law, they prescribed what regulations they thought proper. Such as neglected their mandates, they could fine, according to the magnitude of the offence. Dionysius says, that they were not subject to the power of any one, nor bound to give an account of their conduct even to the senate, or people, ii. 73. But this must be understood with some limitations; for we learn from Cicero, that the tribunes of the commons might oblige them, even against their will, to perform certain parts of their office, *Dom. 45.*, and an appeal might be made from their decree, as from all others, to the people, *Ascon. in Cic. Mil. 12.* It is certain, however, that their authority was very great, *Cic. Dom. i. 51. Harusp.*

\* "That the Etrurians, or Tuscans, first initiated the Romans into the mysteries and ceremonies of religion, is very clear, from the following passage of Livy, who is speaking of Cære, a town in Etruria: — 'Sacrarium populi Romani, diversorium sacerdotum, ac receptaculum sacrorum.' From this circumstance of religious rites being particularly paid by the inhabitants of Cære to the gods, the word *cæremonia* seems to have been derived." — *Encyc. Metrop.*

† "Cicero indeed says, that Numa instituted five pontiffs (*de Rep. ii. 14.*); but here he reckons the chief pontiff among the major pontiffs, among whom he was not included. Had their number been five, the Ogulnian law would have added just as many plebeians, not four merely; especially as five was the plebeian number. After that law was passed, including the chief pontiff, they made nine, like the augurs; being the same multiple of the number of the original tribes; hence Sylla augmented them to five times three." — *Nieb. i. p. 258. Note.*



R. 10. It particularly belonged to them to see that the inferior priests did their duty, *Dionys. ibid.* From the different parts of their office, the Greeks called them *ιεροδιδάσκαλοι, ιερονόμοι, ιεροφύλακες, ιεροράνται, Sacrorum doctores, administratores, custodes, et interpretes, ibid.*

From the time of Numa, the vacant places in the number of *Pontifices* were supplied by the college, *Dionys. ii. 73.*, till the year 650; when Domitius, a tribune, transferred that right to the people, *Suet. Ner. 2. Cic. Rull. ii. 7. Vell. ii. 12.* Sylla abrogated this law, *Ascon. in Cic. Cæcil. 3.*; but it was restored by Labienus, a tribune, through the influence of Julius Cæsar, *Dio. xxxvii. 37.* Antony again transferred the right of election from the people to the priests, *Dio. xlv. fin.*; thus Lepidus was chosen *Pontifex M.* irregularly, *ibid., furto creatus, Vell. ii. 61. In confusione rerum ac tumultu, pontificatum maximum intercepit, Liv. Epit. 117.* Pansa once more restored the right of election to the people, *Cic. Ep. ad Brut. 5.* After the battle of Actium, permission was granted to Augustus to add to all the fraternities of priests as many above the usual number as he thought proper; which power the succeeding emperors exercised, so that the number of priests was thenceforth very uncertain, *Dio. li. 20. liii. 17.*

The chief of the *Pontifices* was called PONTIFEX MAXIMUS; (*quod maximus rerum, quæ ad sacra, et religiones pertinent, judex sit, Festus: Judex atque arbiter rerum divinarum atque humanarum, Id. in ORDO SACERDOTUM;*) which name is first mentioned by Livy, *iii. 54.* He was created by the people, while the other *pontifices* were chosen by the college, *Liv. xxv. 5.*, commonly from among those who had borne the first offices in the state, *ibid.* The first plebeian *Pontifex M.* was T. Coruncanius, *Liv. Ep. xviii.*

This was an office of great dignity and power. The *Pontifex M.* was supreme judge and arbiter in all religious matters, *Liv. i. 20. ix. 46.* He took care that sacred rites were properly performed; and, for that purpose, all the other priests were subject to him, *Liv. ii. 2.* He could hinder any of them from leaving the city, although invested with consular authority, *Liv. Ep. xix. l. xxxvii. 5. Tacit. Annal. iii. 51. 58.*, and fine such as transgressed his orders, even although they were magistrates, *Liv. ibid. xl. 2. 42. Cic. Phil. xi. 8.*

How much the ancient Romans respected religion and its ministers we may judge from this; that they imposed a fine on Tremellius, a tribune of the commons, for having, in a dispute, used injurious language to Lepidus the *Pontifex M.* (*Sacrorumque quàm magistratum jus potentius fuit*), *Liv. Ep. xlvii.* But the *Pontifices* appear, at least in the time of Cicero, to have been, in some respects, subject to the tribunes, *Cic. Dom. 45.*

It was particularly incumbent on the *Pontifex M.* to take care of the sacred rites of Vesta, *Ovid. Fast. iii. 417. Gell. i. 12. Senec. Contr. i. 2.* If any of the priestesses neglected their duty, he reprimanded, *Liv. iv. 44.*, or punished them, *xxviii. 11.*, sometimes by a sentence of the college, capitally, *Cic. Har. resp. 7. Legg. ii. 9. Liv. viii. 15. xxii. 57.*

The presence of the *Pontifex M.* was requisite in public and solemn religious acts; as when magistrates vowed games, or the like, *Liv. iv. 27. xxxi. 9. xxxvi. 2.*, made a prayer, *Suet. Cl. 22.*, or dedicated a temple, *Liv. ix. 46.*; also, when a general devoted himself for his

army, *Liv.* viii. 9. x. 7. 28., to repeat over before them the form of words proper to be used, (*iis verba præire*, v. *carmen præfari*,) *ibid.* & v. 41., which Seneca calls PONTIFICALE CARMEN, *Consol. ad Marc.* 13. It was of importance that he pronounced the words without hesitation, *Valer. Max.* viii. 13. 2. He attended at the *Comitia*; especially when priests were created, that he might inaugurate them, *Liv.* xxvii. 8. xl. 42.; likewise when adoptions or testaments were made, *Tacit. Hist.* i. 15. *Gell.* v. 19. xv. 27. *Cic. Dom.* 13. *Plin. Pan.* 37. At these the other *pontifices* also attended: hence the *Comitia* were said to be held, or what was decreed in them to be done, *apud pontifices*, vel *pro collegio pontificum*, in presence of, *ibid.* *Solennia pro pontifice suscipere*, to perform the due sacred rights in the presence, or according to the direction, of the *Pontifex Maximus*, *Liv.* ii. 27. Any thing done in this manner was also said *Pontificio jure fieri*, *Cic. Dom.* 14. And when the *Pontifex M.* pronounced any decree of the college in their presence, he was said PRO COLLEGIO RESPONDERE, *Cic. pro Dom.* 53. The decision of the college was sometimes contrary to his own opinion. He however was bound to obey it, *Liv.* xxxi. 9. What only three *pontifices* determined was held valid, *Id. resp. Har.* 6. But, in certain cases, as in dedicating a temple, the approbation of the senate, or of a majority of the tribunes of the commons, was requisite, *Liv.* ix. 46. The people, whose power was supreme in every thing, (*cujus est summa potestas omnium rerum*, *Cic. ibid.*) might confer the dedication of a temple on whatever person they pleased, and force the *Pontifex M.* to officiate, even against his will: as they did in the case of Flavius, *Liv. ibid.* In some cases the *Flamines* and *Rex Sacrorum* seemed to have judged together with the *Pontifices*, *Cic. Dom.* 49., and even to have been reckoned of the same college, *ibid.* 52.

It was particularly the province of the *pontifices* to judge concerning marriages, *Tacit. Annal.* i. 10. *Dio.* xlvii. 44.

The *Pontifex Maximus* and his college had the care of regulating the year and the public calendar, *Suet. Jul.* 40. *Aug.* 31. *Macrob. Sat.* i. 14., called FASTI [SACRI or] KALENDARES, because the days of each month, from kalends to kalends, or from beginning to end, were marked in them through the whole year, what days were *fasti*, and what *nefasti*, &c., Festus; the knowledge of which was confined to the *pontifices* and patricians, *Liv.* iv. 3., till C. Flavius divulged them (*fastos circa forum in albo proposuit*), *Liv.* ix. 46. (See p. 165.) In the *Fasti* of each year were also marked the names of the magistrates, particularly of the consuls, *Liv.* ix. 18. *Valer. Max.* vi. 2. *Cic. Sext.* 14. *Att.* iv. 8. *Pis.* 13. Thus, *enumeratio fastorum*, quasi *annorum*, *Cic. Fam.* v. 12. *Tusc.* i. 28., FASTI *memores*, permanent records, *Horat. Od.* iii. 17. 4. iv. 14. 4., *picti*, variegated with different colours, *Ovid. Fast.* i. 11., *signantes tempora*, *Id.* 657. Hence a list of the consuls, engraved on marble, in the time of Constantius, the son of Constantine, as it is thought, and found accidentally by some persons digging in the Forum, A. D. 1545, are called FASTI CONSULARES, or the *Capitolian marbles*, because beautified, and placed in the Capitol, by Cardinal *Alexander Farnese*.

In later times it became customary to add, on particular days, after the name of the festival, some remarkable occurrence. Thus,

on the *Lupercalia*, it was marked (*adscriptum est*) that Antony had offered the crown to Cæsar, *Cic. Phil.* ii. 54. — To have one's name thus marked (*adscriptum*) in the *Fasti* was reckoned the highest honour, *Cic. Ep. ad Brut.* 15. *Ovid. Fast.* i. 9. *Tacit. Ann.* i. 15. (whence, probably, the origin of canonisation in the church of Rome); as it was the greatest disgrace to have one's name erased from the *Fasti*, *Cic. Sext.* 14. *Pis.* 13. *Verr.* ii. 53. iv. fin. *Tacit. Annal.* iii. 17.

The books of Ovid, which describe the causes of the Roman festivals for the whole year, are called *FASTI*. *Ovid. Fast.* i. 7. (*Fastorum libri appellantur, in quibus totius anni fit descriptio*, Festus; *quæ de consulibus et regibus editi sunt*, Isid. vi. 8.) The first six of them only are extant.

In ancient times, the *Pontifex M.* used to draw up a short account of the public transactions of every year in a book, [or rather on a whited table] (*in album efferebat, vel potius referebat*), and to expose this register in an open place at his house, where the people might come and read it: (*proponebat tabulam domi, potestas ut esset populo cognoscere*), which continued to be done to the time of Mucius Sævola, who was slain in the massacre of Marius and Cinna. These records were called, in the time of Cicero, *ANNALES maximi*, *Cic. Orat.* ii. 12. *Cicell.* iv. 3, as having been composed by the *Pontifex Maximus*.

The annals composed by the *Pontifex* before Rome was taken by the Gauls, called also *COMMENTARII*, perished most of them with the city, *Liv.* vi. 1. After the time of Sylla, the *Pontifices* seem to have disused the custom of compiling annals: but several private persons composed historical accounts of the Roman affairs; which, from their resemblance to the pontifical records in the simplicity of their narration, they likewise styled *ANNALS*; as Cato, Pictor, and Piso, (*in id.* *Liv.* i. 44. 55. ii. 40. 58. x. 9. 37, &c. *Dionys.* iv. 7. 15. *Cicell.* i. 19. Hortensius, *Vell.* ii. 16. So also Tacitus.

The memoirs (*ἱστορίματα*) which a person wrote concerning his own actions were properly called *COMMENTARII*, *Cic. Fam.* v. 12. *Syll.* 16. *Verr.* v. 21. *Suet. Aug.* 74. *Tib.* 61. [*Tac. Hist.* iv. 40.], as Julius Cæsar modestly calls the books he wrote concerning his wars, *Cic. Brut.* 75. *Suet. Cæs.* 56.; and Gellius calls Xenophon's book concerning the words and actions of Socrates (*ἀπομνημονεύματα*) *Memorabilia Socratis*, xiv. 3. But this name was applied to any thing which a person wrote or ordered to be written as a *memorandum* for himself or others, (*quæ commemnisasse opus esset*, notes to help the memory;) as the heads of a discourse which one was to deliver, *Cic. Brut.* 44. *Quintilian.* iv. 1. 69. x. 7. 30., notes taken from the discourse or book of another, *Id.* ii. 11. 7. iii. 8. 67., or any book whatever, in which short notes or memorandums were set down: thus, *Commentarii regis Numæ*, *Liv.* i. 31, 32., *Servii Tullii*, *ib.* 60., *Euménis*, xl. 11. 6., *regum*, *Cic. Rabir. perd.* 5., *Cæsaris*, *Cic. Att.* xiv. 14., *Trojani*, *Plin. Ep.* x. 106. Hence a *commentarius*, a clerk or secretary, *Gruter*, p. 89. Cælius, in writing to Cicero, calls the *acta publica*, or public registers of the city, *COMMENTARIUS RERUM URBANARUM*, *Cic. Fam.* viii. 11.

In certain cases the *Pontifex M.* and his college had the power of life and death, *Cic. Har. resp.* 7. *Legg.* ii. 9.; but their sentence

might be reversed by the people, *Ascon. in Cic. pro Mil.* 12. *Liv.* xxxvii. 51. xl. 2.

The *Pontifex M.*, although possessed of so great power, is called by Cicero *PRIVATUS*, *Cat.* i. 2., as not being a magistrate. But some think that the title *Pontifex Maximus* is here applied to Scipio by anticipation; he not having then obtained that office, according to Paterculus, ii. 3., contrary to the account of Appian, *B. Civ.* i. p. 359., and Cicero himself elsewhere calls him simply a private person, *Off.* i. 22. Livy expressly opposes *Pontifices* to *privatus*, v. 52.

The *Pontifices* wore a robe bordered with purple (*toga prætexta*), *Liv.* xxxiii. 28. *Lamprid. Alex. Sev.* 40., and a woollen cap, (*Galerus*, *pileus* vel *Tutulus*, Festus, and Varr. vi. 3.) in the form of a cone, with a small rod (*virgula*) wrapt round with wool, and a tuft or tassel on the top of it; called *APEX*, *Serv. in Virg. Æn.* ii. 683. viii. 664. x. 270.; often put for the whole cap, *Liv.* vi. 41. *Cic. Legg.* i. 1.; thus *iratos tremere regum apices*, to fear the tiara nodding on the head of an enraged Persian monarch, *Horat. Od.* iii. 21. 19.; or for a woollen bandage tied round the head, which the priests used instead of a cap for the sake of coolness, *Serv. ibid.* Sulpicius Galba was deprived of his office on account of his cap having fallen (*apex prolapsus*) from his head in the time of a sacrifice, *Valer. Max.* i. 1. 4. Hence *apex* is put for the top of any thing; as, *montis apex*, *Sil.* xii. 709., or for the highest honour or ornament, as, *apex senectutis est auctoritas*, *Cic. Sen.* 17.

In ancient times the *Pontifex M.* was not permitted to leave Italy, *Liv.* xxviii. 38. 44. *Dio. fragm.* 62. The first *Pontifex M.* freed from that restriction was P. Licinius Crassus, A. U. 618, *Liv. Epit.* 59.; so afterwards Cæsar, *Suet.* 22.

The office of *Pontifex M.* was for life, *Dio.* lix. 15., on which account Augustus never assumed that dignity while Lepidus was alive, *Suet. Aug.* 31., which Tiberius, *Dio.* lvi. 30., and Seneca, *de Clem.* i. 10., impute to his clemency. But with what justice, we may learn from the manner in which Augustus behaved to Lepidus in other respects. For, after depriving him of his share in the Triumvirate, A. U. 718, *Dio.* xlix. 12., and confining him for a long time to Circeji under custody, *Suet.* 16. *Dio. ibid.*, he forced him to come to Rome against his will, A. U. 736, and treated him with great indignity, *Dio.* liv. 15. — After the death of Lepidus, A. U. 741, Augustus assumed the office of *Pontifex Maximus*, *ibid.* 27. *Ovid. Fast.* iii. 420., which was ever after held by his successors, and the title even by Christian emperors to the time of Gratian, *Zosim.* iv. 36., or rather of Theodosius; for on one of the coins of Gratian this title is annexed. When there were two or more emperors, Dio informs us that one of them only was *Pontifex M.*, liii. 17.; but this rule was soon after violated, *Capitolin. in Balbin.* 8. The Hierarchy of the church of Rome is thought to have been established partly on the model of the *Pontifex M.* and the college of *Pontifices*.

The *Pontifices M.* always resided in a public house, (*habitavit*, sc. Cæsar, *in sacrâ viâ, domo publicâ*, *Suet. Cæs.* 46.) called *REGIA*, *Plin. Ep.* iv. 11. 6. (*quòd in eâ sacra a rege sacrificulo erant solita usurpari*, Festus; vel *quòd in eâ rex sacrificulus habitare consuêssset*, *Serv. in Virg. Æn.* viii. 363.) — Thus, when Augustus became *Pontifex*

*Maximus*, he made public a part of his house; and gave the REGIA (which Dio calls the house of the *Rex sacrorum*) to the Vestal Virgins; to whose residence it was contiguous, *Dio. liv.* 27.; whence some suppose it the same with the *Regia Numæ*, the palace of Numa, *Ovid. Trist.* iii. 1. 30., to which Horace is supposed to allude under the name of *monumenta regis*, *Od.* i. 2. 15., and Augustus, *Suet.* 76.—said afterwards to sustain the atrium of Vesta, *Ovid. Fast.* vi. 263., called ATRIUM REGIUM, *Liv.* xxvi. 27. Others suppose it different. It appears to have been the same with that *regia* mentioned by Festus in EQUUS OCTOBER; in which was the sanctuary of Mars, *Gell.* iv. 6. *Plutarch. Q. Rom.* 96., for we learn from Dio that the arms of Mars, i. e. the *Ancilia*, were kept at the house of Cæsar, as being *Pontifex M.*, xliv. 17. Macrobius says that a ram used to be sacrificed in it to Jupiter every *Nundinæ* or market-day, by the wife of the *Flamen dialis* (FRAMINICA), *Sat.* i. 16.

A *Pontifex M.* was thought to be polluted by touching, and even by seeing, a dead body, *Senec. consol. ad Marc.* 15., *Dio. liv.* 28. 35. lvi. 31., as was an augur, *Tacit. Annal.* i. 62. So the high priest among the Jews, *Levit.* xxi. 11. Even the statue of Augustus was removed from its place, that it might not be violated by the sight of slaughter, *Dio. lx.* 13. But Dio seems to think that the *Pontifex M.* was violated only by touching a dead body, *liv.* 28.

II. AUGURES, anciently called AUSPICES, *Plutarch. Q. Rom.* 72., whose office it was to foretel future events, chiefly from the flight, chirping, or feeding of birds (*ex avium gestu vel garritu et spectione*, Festus), and also from other appearances, *Cic. Fam.* vi. 6. *Horat. Od.* iii. 27. &c.; a body of priests (*amplissimi sacerdotii COLLEGIUM*, *Cic. Fam.* iii. 10.) of the greatest authority in the Roman state, *Liv.* i. 36.\*, because nothing of importance was done respecting the public, either at home or abroad, in peace or in war, without consulting them, (*nisi auspicato*, *Liv.* i. 36. vi. 41., *sine auspiciis*, *Cic. Divin.* i. 2., *nisi augurio acto*, *Id.* 17. ii. 36. *Ver.* v. 6., *vel capto*, *Suet. Aug.* 95.) and anciently in affairs of great consequence they were equally scrupulous in private, *Cic. Div.* i. 16.†

AUGUR is often put for any one who foretold futurity, *Cic. Divin.* ii. 3, 4. *Fam.* vi. 6. So, *Augur Apollo*, i. e. *qui augurio præest*, the god of augury, *Horat. Od.* i. 2. 32. *Virg. Æn.* iv. 376. AUSPEX denoted a person who observed and interpreted omens (*auspicia vel omina*), *Horat. Od.* iii. 27. 8., particularly the priest who officiated at marriages, *Juvenal.* x. 336. *Cic. Cluent.* 5. *Plaut. Cas. prol.* 86. *Suet. Cl.* 26. *Liv.* xlii. 12. In later times, when the custom of consulting the *auspices* was in a great measure dropped, *Cic. Nat. D.* i. 15. ii. 3. *Legg.* ii. 13., those employed to witness the signing of the marriage contract, and to see that every thing was rightly performed, were called AUSPICES NUPTIARUM, *Cic. Divin.* i. 16., otherwise *Proxenætae*,

\* They were generally senators of consular rank, who had passed through all the dignities of the republic. (See Middleton's *Cic.* ii. 426.) "S. Sulpicius Tullio, de Tullia (Ep. ad Fam. iv. 5.), te patrem tuum, prætorem, consulem, augurem vidisse."—T.

† "Cic. Læl. § 2. His proximis Nonis, cum in hortos D. Bruti auguris, commentandi causâ, ut assolet, venissemus."—T.



*conciliatores, παρανύμφιοι, pronūbi.* Hence *auspex* is put for a favourer or director; thus, *Auspex legis*, Cic. Att. ii. 7. *Auspices captorum operum*, favourers, Virg. *Æn.* iii. 20. *Diis auspicibus*, under the direction or conduct of, *Id.* iv. 45. So *auspice musâ*, Horat. Ep. i. 3. 13. *Teucro*, Od. i. 7. 27.

AUGURIUM and AUSPICIUM are commonly used promiscuously, Virg. *Æn.* i. 392. Cic. *Div.* i. 47.; but they are sometimes distinguished. *Auspicium* was properly the foretelling of future events from the inspection of birds; *augurium*, from any omen or prodigies whatever, Non. v. 30. So Cic. *Nat. D.* ii. 3.; but each of these words is often put for the omen itself, Virg. *Æn.* iii. 89. 499. AUGURIUM SALUTIS, when the augurs were consulted whether it was lawful to ask safety from the gods, Dio. xxxvii. 24. li. 21. Suet. *Aug.* 31. Tacit. *Annal.* xii. 23. *Civ. Div.* i. 47. The omens were also called *ostenta, portenta, monstra, prodigia* (*quia ostendunt, portendunt, monstrant, prædicunt*), Cic. *Div.* i. 42.

The auspices taken before passing a river were called PEREMNIA, *Festus*. Cic. *Nat. D.* ii. 3. *Div.* ii. 36., from the beaks of birds, as it is thought, or from the points of weapons, EX ACUMINIBUS, a kind of auspices peculiar to war, both of which had fallen into disuse in the time of Cicero, *ibid.*

The Romans derived their knowledge of augury chiefly from the Tuscans: and anciently their youth used to be instructed as carefully in this art as afterwards they were in the Greek literature, Liv. ix. 36. Cic. *Legg.* ii. 9. For this purpose, by a decree of the senate, six of the sons of the leading men at Rome were sent to each of the twelve states of Etruria to be taught, *Civ. Div.* i. 41.\* Valerius Maximus says ten, i. 1. It should probably be, in both authors, one to each.†

Before the city of Rome was founded, Romulus and Remus are said to have agreed to determine by augury (*auguriis legere*) who should give name to the new city, and who should govern it when built. Romulus chose the Palatine hill, and Remus the Aventine, as places to make their observations (*templa ad inaugurandum*). Six vultures first appeared as an omen or augury (*augurium*) to Remus: and after this omen was announced or formally declared, (*nunciato augurio*, or, as Cicero calls it, *decantato*, *Divin.* i. 47., see p. 83, 84.) twelve vultures appeared to Romulus. Whereupon each was saluted king by his own party. The partisans of Remus claimed the crown to him from his having seen the omen first; those of Romulus, from the number of birds. Through the keenness of the contest they came to blows, and in the scuffle Remus fell. The common report

\* “The Etrurian chiefs, the Magnates (*principes Etruriæ*), were the persons from whom the noble Roman youths received instruction in the sacred sciences of divination; a warlike, sacerdotal race, like the Chaldæans; they were the Lucumōnes, whose ancestors had committed to writing the revelations of Tages.” (*Nieb.* i. p. 100.) “The peculiar secret of the Etruscans was the interpretation of lightning; this, and all the branches of their aruspicy, were taught in sacerdotal schools; they were also laid down in the sacred books which recorded the oral instructions of Tages.” (*Id.* p. 115.) “Down to the middle of the fifth century the Roman youths of rank were instructed in the Etruscan language and literature, as they were subsequently in the Greek.”—*Id.* p. 116.

† “All the Sabellians, but especially the Marsians, were interpreters of omens, chiefly from the flight of birds.”—*Nieb.* i. p. 85.



is, that Remus was slain by Romulus for having, in derision, leapt over his walls, *Liv.* i. 7.

After Romulus, it became customary that no one should enter upon an office without consulting the auspices, *Dionys.* iii. 35. But Dionysius informs us that, in his time, this custom was observed merely for form's sake. In the morning of the day on which those elected were to enter on their magistracy, they rose about twilight, and repeated certain prayers under the open air, attended by an augur, who told them that lightning had appeared on the left, which was esteemed a good omen, although no such thing had happened. This verbal declaration, although false, was reckoned sufficient, *Dionys.* ii. 6.

The augurs are supposed to have been first instituted by Romulus, three in number, one to each tribe, *Liv.* x. 6., as the *Haruspices*, *Dionys.* ii. 22., and confirmed by Numa, *ibid.* 64. A fourth was added, probably by Servius Tullius, when he increased the number of tribes, and divided the city into four tribes, *Id.* iv. 34. *Liv.* i. 13. The augurs were at first all patricians; till A. U. 454 [B. C. 300], when five plebeians were added, *Liv.* x. 9. [by the Ogulnian law]. Sylla increased their number to fifteen, *Liv. Ep.* lxxxix. They were at first chosen, as the other priests, by the *Comitia Curiata*, *Dionys.* ii. 64., and afterwards underwent the same changes as the *pontifices*, *Liv.* iii. 37. See p. 250.\*

The chief of the augurs was called *MAGISTER COLLEGII*.

The augurs enjoyed this singular privilege, that, of whatever crime they were guilty, they could not be deprived of their office, *Plin. Ep.* iv. 8., because, as Plutarch says, *Q. Rom.* 97., they were entrusted with the secrets of the empire. — The laws of friendship were anciently observed with great care among the augurs, and no one was admitted into their number who was known to be inimical to any of the college, *Cic. Fam.* iii. 10. In delivering their opinions about any thing in the college, the precedence was always given to age, *Cic. Sen.* 18.

As the *Pontifices* prescribed solemn forms and ceremonies, so the augurs explained all omens, *Cic. Harusp.* 9. They derived tokens (*signa*) of futurity chiefly from five sources; from appearances in the heavens, as thunder or lightning; from the singing or flight of birds, *Stat. Theb.* iii. 482.; from the eating of chickens; from quadrupeds; and from uncommon accidents, called *Diræ*, v. -a. The birds which gave omens by singing (*OSCINES*) were, the raven (*corvus*), the crow (*cornix*), the owl (*noctua vel bubo*), the cock (*gallus gallinaceus*), &c., *Festus*. *Plin.* x. 20. s. 22. 29. s. 42. — by flight (*ALITES vel PRÆPETES*), were, the eagle, vulture, &c., *ib.* *Gell.* vi. 6. *Serv. in Virg. Æn.* iii. 361. *Cic. Div.* i. 47. *Nat. D.* ii. 64. — by feeding chickens (*PULLI*), *Cic. Div.* ii. 34. (see p. 83.) much attended to in war, *Plin.* x. 22. s. 24. *Liv.* x. 40.; and contempt of their intimations was supposed to occasion signal misfortunes; as in the case of P. Claudius in the first Punic war, who, when the person who had the charge of the chickens (*PULLARIUS*) told him that they

\* "Cicero was made augur in his 54th year. See *Middleton's Life of Cic.* i. p. 426."—T.

would not eat, which was esteemed a bad omen, ordered them to be thrown into the sea, saying, *Then let them drink*. After which, engaging the enemy, he was defeated with the loss of his fleet, *Cic. Nat. D.* ii. 3. *Div.* i. 16. *Liv. Epit.* xix. *Valer. Max.* i. 4. 3. Concerning ominous birds, &c. see *Stat. Theb.* iii. 502, &c.

The badges of the augurs (*Ornamenta auguralia*, *Liv.* x. 7.) were, 1. A kind of robe, called TRABEA, striped with purple (*virgata vel palmata, a trabibus dicta*), according to Servius, made of purple and scarlet (*ex purpura et cocco mistum*) in *Virg. Æn.* vii. 612. So Dionysius, speaking of the dress of the Salii, ii. 70., who describes it as fastened with clasps, *ibid.*; hence *dibaphum* (i. e. *purpuram bis tinctam*) *cogitare*, to desire to be made an augur, *Cic. Fam.* ii. 16., *dibapho vestire*, to make one, *Att.* ii. 9.—2. A cap of a conical shape, like that of the *Pontifices*, *ibid.*—3. A crooked staff, which they carried in their right hand, to mark out the quarters of the heavens (*quo regiones cæli determinarent*), called LITUUS, [resembling a crosier,] (*baculus v. -um, sine nodo aduncus*, *Liv.* i. 18. *Incurvum et leviter a summo inflexum bacillum, quod ab ejus litui, quo canitur, similitudine nomen invenit*, *Cic. Div.* i. 17. *Virga brevis, in parte quæ robustior est, incurva*, *Gell.* v. 8.).

An augur made his observations on the heavens (SERVABAT *de cælo*, v. *cælum*, *Cic. Div.* ii. 35. *Dom.* 15. *Phil.* ii. 32. *Lucan.* i. 601. v. 395.) usually in the dead of the night, (*post mediam noctem*, *Gell.* iii. 2., *medid nocte*, *Liv.* xxxiv. 14., *cùm est SILENTIUM*, *Festus*. *Nocte SILENTIO*, *Liv.* ix. 38. viii. 23., *aperto cælo, ita ut apertis uti liceat lucernis*, *Plutarch. Q. R.* 71. *Id silentium dicimus in auspicio, quod omni vitio caret*, *Cic. Div.* ii. 44.) or about twilight, *Dionys.* ii. 5.

The augur took his station on an elevated place called ARX or TEMPLUM\*, *Liv.* i. 18., *vel TABERNACULUM*, *Liv.* iv. 7. *Cic. Div.* ii. 35., which *Plutarch* calls *σκηνή*, in *Marcell.* p. 300.—where the view was open on all sides; and, to make it so, buildings were sometimes pulled down. Having first offered up sacrifices, and uttered a solemn prayer, (EFFATA, plur. *Serv. Virg. Æn.* vi. 197., whence *effari templum*, to consecrate, *Cic. Att.* xiii. 42., *hinc FANA nominata, quòd pontifices in sacrando fati sunt finem*, *Varr. L. L.* v. 7.) he sat down (*sedem cepit in SOLIDA SELLA*) with his head covered (*capite velato*), and, according to *Livy*, i. 18., with his face turned to the east; so that the parts towards the south were on the right (*partes dextræ*), and those toward the north on the left (*lævæ*). Then he determined with his *lituus* the regions of the heavens from east to west, and marked

\* “As the vault of the heavens was called *templum*, (*mundi magnum et versatile templum*, *Lucret.* v. 1435.) and was the original idea of a temple, so the name of temple was given to all that space on earth which an augur marked out in his mind, according to the cardinal points, as far as his eye reached, for the purpose of taking auspices. No auspices or auguries could be taken except in a temple; but the whole city was one by means of its original inauguration: a camp too was a temple, because it was necessary to observe auspices in it; hence walls and gates were *sancta*; hence the unchangeableness of the *pomærium*; for whatever was determined in this way was to remain unalterably fixed, unless its removal was enjoined by more powerful auspices; this, however, did not hallow it: any temples, as we learn from *Varro*, were not dedicated to the gods, and consequently were not holy; while, on the other hand, the churches of the gods were not necessarily temples; there were some of them in which auspices could not be taken.”—*Nieb.* ii. p. 622.

in his mind some objects straight forward (*signum contra animo finivit*), at as great a distance as his eyes could reach; within which boundaries he should make his observation, *Liv. i. 18*. This space was also called *TEMPLUM* (*a tuendo; locus augurii aut auspicii causâ quibusdam conceptis verbis finitus*, Varr. L. L. vi. 2. Donat. in Ter. iii. 5. 42.). Dionysius gives the same description with Livy of the position of the augur, and of the quarters of the heavens, ii. 5.; so Hyginus, *de limit*. But Varro makes the augur look towards the south, which he calls *pars antica*; consequently, the *pars sinistra* was on the east, and *dextra* on the west: that on the north he calls *postica*, *ibid.*\* In whatever position the augur stood, omens on the left among the Romans were reckoned lucky [because supposed to be sent by the gods from their right], *Plaut. Pseud. ii. 4. 72. Epid. ii. 2. 1. Serv. in Virg. Æn. ii. 693. ix. 631. Stat. Theb. iii. 493. Cic. Legg. iii. 3. Div. ii. 35. Gell. v. 12. Ovid. Trist. i. 8. 49. Dionys. ii. 5.;* but sometimes omens on the left are called unlucky, *Virg. Ecl. i. 18. ix. 15. Suet. Cl. 7. Vit. 9. Ovid. Epist. ii. 115. Trist. iv. 3. 69.*, in imitation of the Greeks, among whom augurs stood with their faces to the north: and then the east, which was the lucky quarter, was on the right. (*Sinistrum, quod bonum sit, nostri nominaverunt, externi, sc. Græci, dextrum*, Civ. Div. ii. 36.) Hence *dexter* is often put for *felix* vel *faustus*, lucky or propitious, *Virg. Æn. iv. 579. viii. 302.*, and *sinister* for *infelix*, *infaustus*, vel *funestus*, unlucky or unfavourable, *Id. i. 444. Plin. Ep. i. 9. vii. 28. Tacit. Hist. v. 5.* Thunder on the left was a good omen for every thing else but holding the *comitia*, *Cic. Div. ii. 18. 35.* The croaking of a raven (*corvus*) on the right, and of a crow (*cornix*) on the left, was reckoned fortunate, and *vice versa*, *Cic. Div. i. 7. 39.* In short, the whole art of augury among the Romans was involved in uncertainty, *ibid.* It seems to have been at first contrived, and afterwards cultivated, chiefly to increase the influence of the leading men over the multitude.

The Romans took omens (*omina captabant*) also from quadrupeds crossing the way, or appearing in an unaccustomed place (*Juvenal. xiii. 62. Horat. Od. iii. 27. Liv. xxi. ult. xxii. 1.*); from sneezing (*ex sternutatione*); spilling salt on the table, and other accidents of that kind, which were called *DIRA*, sc. *signa*, or *DIRÆ*, *Cic. de Divinat. i. 16. ii. 40. Dio. xl. 18. Ovid. Amor. i. 12.* These the augurs explained, and taught how they should be expiated [*procurari*]. When they did so, they were said *commentari*, *Cic. Amic. 2.* If the omen was good, the phrase was, *IMPETRITUM, INAUGURATUM EST*, *Plaut. Asin. ii. 11.*, and hence it was called *Augurium impetrativum* vel *optatum*, *Serv. in Virg. Æn. v. 190.* Many curious instances of Roman superstition, with respect to omens and other things, are enumerated, *Plin. xxviii. 2.*, as among the Greeks, *Pausan. iv. 13.* — Cæsar, in landing at Adrumetum in Africa with his army, happened to fall on his face, which was reckoned a bad omen; but he, with great presence of mind, turned it to the contrary: for taking hold of the ground with his right hand, and kissing it, as if he had fallen on purpose, he exclaimed, *I take possession of thee, O Africa!* (*TENEO TE, AFRICA*), *Dio. xlii. fin. Suet. Jul. 59.*

\* See Nieb. ii. p. 623.

Future events were also prognosticated by drawing lots (*sortibus ducendis*, Cic. Div. ii. 33.; thus, *Oracula sortibus æquatis ducuntur*, Id. i. 18., that is, being so adjusted that they had all an equal chance of coming out first, *Plaut. Cas. ii. 6. 35.*) These lots were a kind of dice (*tali v. tesserae*) made of wood, *Plaut. Cas. ii. 6. 32.*, gold, *Suet. Tib.*, or other matter, *Plaut. ibid. 46. Pausan. Messen. iv. 4. Eliac. v. 25.*, with certain letters, words, or marks inscribed on them, Cic. Div. ii. 41. They were thrown commonly into an urn, *ibid.*, sometimes filled with water, *Plaut. ibid. 28. 33.*, and drawn out by the hand of a boy, or of the person who consulted the oracle. The priests of the temple explained the import of them, Cic. Div. i. 34. The lots were sometimes thrown like common dice, and the throws esteemed favourable or not, as in playing, *Suet. Tib. 14. Propert. iv. 9. 19.* SORTES denotes not only the lots themselves, and the answer returned from the explanation of them, thus, *Sortes ipsas et cetera, quæ erant ad sortem*, i. e. ad responsum reddendum, *parata disturbavit simia*, Cic. Div. i. 34. Liv. viii. 24., but also any verbal responses whatever of an oracle, (*sortes quæ vaticinatione funduntur, quæ oracula veriùs dicimus*), Cic. Div. ii. 33. 56., *Dictæ per carmina sortes*, Horat. A. P. 403. So Liv. i. 56. v. 15. *Virg. Æn. iv. 346. vi. 72. Ovid. Met. i. 368. 381, &c.* Thus, ORACULUM is put both for the temple, Cic. Font. 10. *Ep. ad Brut. 2.*, and the answer given in it, Cic. Div. i. 32. 43. 50, &c. Tacitus calls by the name of *Sortes* the manner in which the Germans used to form conjectures about futurity. They cut the branch of a tree into small parts or slips (*in surculos*), and, distinguishing these slips by certain marks, scattered them at random (*temerè ac fortuito*) on a white cloth. Then a priest, if the presage was made for the public (*si publicè consuleretur*), if in private, the master of a family, having prayed to the gods, and looking to heaven, took up each of the slips three times, and interpreted it according to the mark impressed on it, *Tacit. de Mor. G. 10.* Of prophetic lots, those of Præneste were the most famous, Cic. Div. ii. 41. *Suet. Tib. 63. Domit. 15. Stat. Sylv. i. 3. 80.* Livy mentions among unlucky omens the lots of Cære to have been diminished in their bulk (*extenuatæ*), xxi. 62., and of Falerii, xxii. 1. — Omens of futurity were also taken from names, *Plaut. Pers. iv. 4. 73. Bacch. ii. 3. 50.* Those who foretold futurity by lots, or in any manner whatever, were called SORTILEGI, *Lucan. ix. 581.*, which name Isidorus applies to those who, upon opening any book at random, formed conjectures from the meaning of the first line or passage which happened to cast up, viii. 9. Hence, in later writers, we read of the SORTES VIRGILIANÆ, *Homericae*, &c. Sometimes select verses were written on slips of paper (*in pittaciis*), and being thrown into an urn, were drawn out like common lots; whence of these it was said, *Sors excidit*, Spartian. Adrian. 2. Lamprid. Alex. Sev. 14. — Those who foretold future events by observing the stars, were called ASTROLOGI, Cic. Div. i. 38, 39. ii. 42. *Ver. ii. 52., MATHEMATICI, Suet. Aug. 94. Tib. Cal. 57. Tacit. Hist. i. 22. Juvenal. vi. 561. xiv. 248., GENETHLIACI, Gell. xiv. 1. from genesis, vel genitura*, the nativity or natal hour of any one, or the star which happened to be then rising, (*sidus natalitium*, Cic. Div. ii. 43.) *Juvenal. xiv. 248. Suet. Tit. 9.*, and which was supposed to determine

his future fortune: called also *Horoscopus* (ab *horâ inspicendâ*); thus, *Geminus, horoscope, vario* (for *vario*) *producis genio*; O natal hour, although one and the same, thou producest twins of different dispositions, *Pers. vi. 18*. Hence a person was said *habere imperatoriam genesis*, to whom an astrologer had foretold at his birth that he would be emperor, *Suet. Vesp. 14. Dom. 10*. Those astrologers were also called *CHALDÆI* or *BABYLONII*, because they came originally from Chaldæa or Babylonia, *Strab. xvi. 739.*, or *Mesopotamia*, i. e. the country between the conflux of the Euphrates and Tigris, *Plin. vi. 28. Diodor. ii. 29*. Hence *Chaldaicis rationibus eruditus*, skilled in astrology, *Cic. Div. ii. 47.*, *Babylonica doctrina*, astrology, *Lucret. v. 726*. — *nec Babylonios tentâris numeros*, and do not try astrological calculations, i. e. do not consult an astrologer, *Horat. Od. i. 11.*, who used to have a book, *Ephemeris*, v. plur. *-ides*, in which the rising and setting, the conjunction, and other appearances of the stars were calculated. Some persons were so superstitious, that in the most trivial affairs of life they had recourse to such books, *Plin. xxix. 1.*, which Juvenal ridicules, *vi. 576*. An Asiatic astrologer (*Phryx Augur et Indus*), skilled in astronomy (*astrorum mundique peritus*), was consulted by the rich; the poor applied to common fortune-tellers (*sortilegi vel divini*), who usually sat in the *Circus Maximus*, *ibid.*, which is therefore called by Horace, *fallax*, *Sat. i. 6. 113.*\*

Those who foretold future events by interpreting dreams were called *Conectores*; by apparent inspiration, *hariôli* v. *divini*, *vates* v. *vaticinatores*, &c.

Persons disordered in their mind (*melancholici, cardiâci, et phrenetici*), were supposed to possess the faculty of presaging future events, *Cic. Div. i. 38*. These were called by various other names; *CERRITI* or *Ceriti*, *Plaut. Amph. ii. 2. 144. Horat. Sat. ii. 3. 278.*, because Ceres was supposed sometimes to deprive her worshippers of their reason, *Non. i. 213.*; also *LARVATI*, *Larvarum pleni*, i. e. *furiosi et mente moti, quasi Larvis et spectris exterriti*, *Festus, Plaut. Men. v. 4. 2.*, and *LYMPHATICI*, or *lymphati*, *Virg. Æn. vii. 377. Liv. vii. 17.*, (*a nymphis in furorem acti, νυμφόληπτοι, Varro L. L. vi. 5.*, *qui speciem quandam e fonte, id est effigiem nymphæ, viderint, Festus*), because the nymphs made those who saw them mad, *Ovid. Ep. iv. 49*. Isidore makes *lymphaticus* the same with one seized with the *hydrophobia*, (*qui aquam timeat, ὑδροφοβός*), x. *litera L. Pavor lymphaticus*, a panic fear, *Liv. x. 28. Senec. Ep. 13. Nummi auri lymphatici*, burning in the pocket, as eager to get out, or to be spent, *Plaut. Pæn. i. 2. 132. Mens lymphata Mareotico*, intoxicated, *Horat. Od. i. 37. 14*. As heliobore was used in curing those who were mad, hence *elleborosus*, for *insanus*, *Plaut. Rud. iv. 3. 67*. Those transported with religious enthusiasm, were called *FANATICI*, *Juvenal. ii. 113. iv. 123. Cic. Div. ii. 57. Dom. 60.*, from *FANUM*, a *fari*, because it was consecrated by a set form of words (*fando*), *Festus, & Varr. L. L. v. 7.*; or from *FAUNUS* (*qui primus fani conditor fuit*), *Serv. in Virg. G. i. 10*. From the influence of the moon on persons labouring under certain kinds of insanity, they are called by later writers *LUNATICI*.

\* "If the predictions of astrologers proved false, they were sometimes put to death; but if true, they were richly rewarded, and highly respected, *Suet. Tib. 14. Tac. Ann. vi. 20. 26. Dio. lv. 11.*" — *Dr. Adam.*



HARUSPICES, (*ab harugâ*, i. e. *ab hostid*, Donat. in Ter. Phorm. iv. 4. 28. vel potius *a victimis*, aut *extis victimarum in ara inspiciendis*,) called also EXTISPICES, Cic. Div. ii. 11. Non. i. 53., who examined the victims and their entrails after they were sacrificed, and from thence derived omens of futurity, Stat. Theb. iii. 456.: also from the flame, smoke, and other circumstances attending the sacrifice; as if the victim came to the altar without resistance, stood there quietly, fell by one stroke, bled freely, &c. These were favourable signs. The contrary are enumerated, Virg. G. iii. 486. Lucan. i. 609, &c. They also explained prodigies, Cic. Cat. iii. 8. Div. i. 3. Suet. Aug. 29. Plin. vii. 3. Their office resembled that of the augurs; but they were not esteemed so honourable: hence, when Julius Cæsar admitted Ruspina, one of them, into the senate, Cicero represents it as an indignity to the order, Fam. vi. 18. Their art was called HARUSPICINA, v. *haruspicum disciplina*, Cic. Div. i. 2. 41., derived from Etruria, where it is said to have been discovered by one Tagus, ["or Tages, a wise subterraneous dwarf, who rose out of the ground and taught them; such as occurs in the mythology of the ancient Romans." Nieb. i. p. 115.] Cic. Div. ii. 23. Ovid. Met. xv. 553. Lucan. i. 637. Censorin. Nat. D. 4., and whence *Haruspices* were often sent for to Rome, Liv. v. 15. xxvii. 37. Cic. Cat. iii. 8. Lucan. i. 584. Martial. iii. 24. 3. They sometimes came from the East; thus, *Armenius* vel *Comagēnus haruspex*, Juvenal. vi. 549. Females also practised this art (ARUSPICÆ), Plaut. Mil. Glor. iii. 1. 99. The college of the *Haruspices* was instituted by Romulus, Dionys. ii. 22. Of what number it consisted is uncertain. Their chief was called SUMMUS HARUSPEX, Cic. Div. ii. 24.

Cato used to say, he was surprised that the *Haruspices* did not laugh when they saw one another, Cic. Nat. D. i. 26. Divin. ii. 24., their art was so ridiculous; and yet wonderful instances are recorded of the truth of their predictions, Liv. xxv. 16. Sallust. Jug. 63. Tacit. Hist. i. 27. Suet. Galb. 19. Cæs. 81. Dio. xlv. 18.

III. QUINDECIMVIRI *sacris faciundis*, who had the charge of the Sibylline books, inspected them, by the appointment of the senate, in dangerous junctures, and performed the sacrifices which they enjoined. It belonged to them in particular to celebrate the secular games, Horat. de Carm. Sæc. 72. Tacit. Annal. ii. 11. vi. 12., and those of Apollo, Dio. liv. 19. They are said to have been instituted on the following occasion:—

A certain woman, called Amalthæa, from a foreign country, is said to have come to Tarquinius Superbus, wishing to sell nine books of Sibylline or prophetic oracles. But upon Tarquin's refusal to give her the price which she asked, she went away, and burnt three of them. Returning soon after, she sought the same price for the remaining six. Whereupon, being ridiculed by the king as a senseless old woman, she went and burnt other three; and coming back still demanded the same price for the three which remained. Gellius says that the books were burnt in the king's presence, i. 19. Tarquin, surprised at the strange conduct of the woman, consulted the augurs what to do. They, regretting the loss of the books which had been destroyed, advised the king to give the price required. The woman therefore, having deli-



vered the books, and having desired them to be carefully kept, disappeared; and was never afterwards seen, *Dionys.* iv. 62. *Lactant.* i. 6. *Gell.* i. 19. Pliny says she burnt two books, and only preserved one, *Plin.* xiii. 13. s. 27. Tarquin committed the care of these books, called LIBRI SIBYLLINI, *ibid.*, or VERSUS, *Horat. Carm. Sac.* 5. *Cic. Verr.* iv. 49., to two men (*Duumviri*) of illustrious birth, *Dionys.* *ibid.*; one of whom, called Atilius, *Dionys.* iv. 62., or Tullius, *Valer. Maximus*, i. 1. 13., he is said to have punished, for being unfaithful to his trust, by ordering him to be sewed up alive in a sack (*in culeum insui*), and thrown into the sea, *ibid.*, the punishment afterwards inflicted on parricides, *Cic. Rosc. Am.* 25. In the year 387, ten men (*Decemviri*) were appointed for this purpose, five patricians and five plebeians, *Liv.* vi. 37. 42.; afterwards fifteen, as it is thought, by Sylla, *Serv. in Virg. Æn.* vi. 73. Julius Cæsar made them sixteen, *Dio.* xlii. 51. xliii. 51. They were created in the same manner as the *Pontifices*, *Dio.* liv. 19. See *Lex Domitia*. The chief of them was called MAGISTER COLLEGII, *Plin.* xxviii. 2.

These Sibylline books were supposed to contain the fate of the Roman empire, *Liv.* xxxviii. 45.; and therefore, in public danger or calamity, the keepers of them were frequently ordered by the senate to inspect (*adire, inspicere* v. *consulere*) them, *Liv.* iii. 10. v. 13. vii. 27. xi. 12. xxi. 62. xxii. 9. xxix. 10. xxxvi. 27. xli. 21.\* They were kept in a stone chest, below ground, in the temple of Jupiter Capitolinus. But the Capitol being burnt in the Marsic war [rather wars of Marius and Sylla], the Sibylline books were destroyed together with it, A. U. 670. Whereupon ambassadors were sent every where to collect the oracles of the Sibyls, *Tacit. Annal.* vi. 12.† For there were other prophetic women besides the one who came to Tarquin, *Pausan.* x. 12. Lactantius, from Varro, mentions ten, i. 6.; Ælian, four, xii. 35. Pliny says there were statues of three Sibyls near the *Rostra* in the Forum, xxxiv. 5. s. 10. The chief was the Sibyl of Cumæ (SIBYLLA CUMÆA), whom Æneas is supposed to have consulted; called by Virgil *Deiphobe*, *Æn.* vi. 36. 98., from her age, *longæva*, 391, *vivax*, *Ovid. Met.* xiv. 104., and the Sibyl of Erythræ, a city of Ionia (ERYTHRÆA SIBYLLA), *Cic. Div.* i. 18., who used to utter her oracles with such ambiguity, that whatever happened, she might seem to have predicted it, *Id.* ii. 54., as the priestess of Apollo at Delphi, *Pausan.* iv. 12, &c.; the verses, however, were so contrived, that the first letters of them joined together made some sense; hence called ACROSTICHIS, or in the plural *acrostichides* (ἀκροστιχίδες), *Dionys.* iv. 62. Christian writers often quote the Sibylline verses in support of Christianity; as Lactantius, i. 6. ii. 11, 12. iv. 6.; but these appear to have been fabricated.

From the various Sibylline verses thus collected, the *Quindecemviri* made out new books; which Augustus (after having burnt all other

\* According to Varro's account, they were written on palm-leaves; also Servius on *Æn.* iii. 444. vi. 74. — See *Nieb.* i. p. 442.

† "Nobody has questioned that the Sibylline oracles were written in Greek. The statement that two Greek interpreters were sent for, in order to be perfectly sure of the meaning, amounts to an express testimony; and had not the oracles been composed in Greek hexameters, it would not have been believed that they might be replaced by those which were to be found in the Greek cities." — *Nieb.* i. p. 444.

prophetic books, *fatidici libri*, both Greek and Latin, above 2000) deposited in two gilt cases (*forulis auratis*), under the base of the statue of Apollo, in the temple of that god on the Palatine hill, *Suet. Aug.* 31., to which Virgil alludes, *Æn.* vi. 69, &c., having first caused the priests to write over with their own hands a new copy of them, because the former books were fading with age, *Dio.* liv. 17.\*

The *Quindecenviri* were exempted from the obligation of serving in the army, and from other offices in the city. Their priesthood was for life, *Dionys.* iv. 62. They were properly the priests of Apollo; and hence each of them had at his house a brazen tripod (*cortina vel tripus*), *Serv.* in *Virg. Æn.* iii. 392. *Val. Flac.* i. 5., as being sacred to Apollo, *Suet. Aug.* 52., similar to that on which the priestess of *Delphi* sat; which *Servius* makes a three-footed stool or table (*mensa*), *ibid.* 360., but others, a vase with three feet and a covering, properly called *Cortina* (δλμος), which also signifies a large round caldron, *Plin.* xxxv. 11. s. 41. *Varr. L. L.* vi. 3., often put for the whole tripod, or for the oracle, *Virg. Æn.* vi. 347. iii. 92. *Ovid. Met.* xv. 635. *Plin.* xxxiv. 3. s. 8.: hence, *tripodas sentire*, to understand the oracles of Apollo, *Virg. Æn.* iii. 360. When tripods are said to have been given in a present, vases or cups supported on three feet are understood, *Virg. Æn.* v. 110. *Horat. Od.* iv. 8. 3. *Nep. Paus.* 1. *Ovid. Her.* iii. 32. *Suet. Aug.* 52., such as are to be seen on ancient coins.

IV. SEPTENVIRI *epulonum*, who prepared the sacred feasts at games, processions, and other solemn occasions.

It was customary among the Romans to decree feasts to the gods, in order to appease their wrath, especially to Jupiter (*epulum Jovis*, v. -i), during the public games (*ludorum causâ*), *Liv.* xxv. 2. xxvii. 38. xxix. 38. *fin.* xxx. 39. xxxi. 4. xxxii. 7. These sacred entertainments became so numerous, that the *Pontifices* could no longer attend to them; on which account this order of priests was instituted, to act as their assistants. They were first created, A. 557, three in number (TRIUMVIRI EPULONES), *Liv.* xxxiii. 44. *Cic. Orat.* iii. 19., and were allowed to wear the *toga prætexta*, as the *Pontifices*, *ibid.* In the sing. TRIUMVIR EPULO, *Id.* xl. 42. Their number was increased to seven, it is thought by *Sylla*, *Gell.* i. 12. sing. SEPTENVIRQUE EPULIS festis, *Lucan.* i. 602. If any thing had been neglected or wrongly performed in the public games, the *Epulones* reported it (*afferebant*) to the *Pontifices*; by whose decree the games on that account were sometimes celebrated anew, *Cic. Harusp.* 10. *Liv. ibid.* The sacred feasts were prepared with great magnificence; hence, *Cænæ pontificum*, v. *pontificales*, et *augurales*, for sumptuous entertainments, *Horat. Od.* ii. 14. 28. *Macrob. Sat.* ii. 9.

\* “The fate of the Sibylline verses collected after the conflagration of the Capitol is unknown. Honorius issued an order, A. D. 399, for destroying them; in pursuance of which, Stilicho burned all those prophetic writings, and demolished the temple of Apollo, in which they had been deposited. Nevertheless, there are still preserved, in eight books of Greek verse, a collection of oracles pretended to be *Sibylline*. Dr. Cave, well satisfied that this collection is a forgery, supposes that a large part of it was composed in the time of Hadrian, about A. D. 130; other parts were added in the time of the Antonines, and the whole completed in the reign of Commodus. Dr. Prideaux says, that this collection must have been made A. D. 138 and 167.”—*Anthon*.

The *Pontifices*, *Augures*, *Septemviri Epulones*, and *Quindecimviri* were called the four colleges of priests (*τίσσας ἱερουργίας*, Dio. liii. 1. *Sacerdotes SUMMORUM COLLEGIORUM*, Suet. Aug. 101.). When divine honours were decreed to Augustus, after his death, a fifth college was added, composed of his priests; hence called COLLEGIUM SODALIUM AUGUSTALIUM, Tacit. Annal. iii. 64. Dio. lvi. 46. lviii. 12. So FLAVIALIUM collegium, the priests of Titus and Vespasian, Suet. Dom. 4. But the name of COLLEGIUM was applied not only to some other fraternities of priests, Liv. xxxvi. 3., but to any number of men joined in the same office; as the Consuls, Liv. x. 22. 24., Prætors, Cic. Off. iii. 20., Quæstors, Suet. Claud. 24., Tribunes, Cic. Dom. 18., also to any body of merchants, Liv. ii. 27., or mechanics, Plin. xxxiv. 1. Ep. x. 42., to those who lived in the Capitol, Liv. v. 50. 52., even to an assemblage of the meanest citizens, Cic. Dom. 28., or slaves, Cic. post red. in Sen. 13. Sext. 25. Pis. 4.

To each of the colleges of *Pontifices*, *Augures*, and *Quindecimviri*, Julius Cæsar added one, Dio. xlii. 51., and to the *Septemviri*, three, Id. xlii. fin. After the battle of Actium, a power was granted to Augustus of adding to these colleges as many extraordinary members as he thought proper; which power was exercised by the succeeding emperors, so that the number of those colleges was thenceforth very uncertain, Dio. li. 20. liii. 17. They seem, however, to have retained their ancient names; thus, Tacitus calls himself *Quindecimvirali sacerdotio præditus*, Ann. xi. 11., and Pliny mentions a SEPTEMVIR EPU- LONUM, Ep. ii. 11.

It was anciently ordained by law, that two persons of the same family (*ἐν τῇ αὐτῇ συγγενείᾳ*) should not enjoy the same priesthood, Dio. xxxix. 17. But under the emperors this regulation was disregarded.

The other fraternities of priests were less considerable, although composed of persons of distinguished rank.

1. FRATRES AMBARVALES, twelve in number, who offered up sacrifices for the fertility of the ground (*ut arva fruges ferrent*), Varr. iv. 15., which were called *Sacra Ambarvalia*, because the victim was carried round the fields, (*arva ambiebat, ter circum ibat hostia fruges*, Virg. G. i. 345. Hence they were said *agros lustrare*, Id. Ecl. v. 75., et *purgare*, Tibull. ii. 1. 17., and the victim was called HOSTIA AMBARVALIS, Festus. Macrob. Sat. iii. 5.) attended with a crowd of country people having their temples bound with garlands of oak leaves, dancing and singing the praises of Ceres; to whom libations were made of honey diluted with milk and wine (*cui tu lacte favos, i. e. mel, et miti dilue Baccho*, Virg. G. i. 344.): these sacred rites were performed before they began to reap, privately as well as publicly, *ibid.* 347.\*

This order of priests is said to have been instituted by Romulus in honour of his nurse Acca Laurentia, who had twelve sons, and when one of them died, Romulus, to console her, offered to supply his place, and called himself and the rest of her sons, FRATRES ARVALES.

\* "They were solemnised yearly, between the 5th and 6th milestones, in the direction of Alba, as at the border of the original *ager Romanus*." — Nieb. i. p. 187. See Ovid. Fast. ii. 682. Lucan. i. 592.

Their office was for life, and continued even in captivity and exile. They wore a crown made of the ears of corn (*corona spicea*), and a white woollen wreath around their temples (*infula alba*), Gell. vi. 17. Plin. xviii. 2.

*INFULÆ erant filamenta lanæ, quibus sacerdotes et hostiæ, templaque velabantur*, Festus. The *infulæ* were broad woollen bandages tied with ribands (*vittæ*), Virg. G. iii. 487. Æn. x. 538. Ovid. Pont. iii. 2. 74., used not only by priests to cover their heads, Cic. Verr. iv. 50. Lucan. v. 142., but also by suppliants, Cæs. B. C. ii. 12. Liv. xxiv. 30. xxv. 25. Tacit. Hist. i. 66.

2. CURIONES, the priests who performed the public sacred rites in each *curia*, thirty in number. (See p. 2.) Heralds who notified the orders of the prince or people at the spectacles were also called CURIONES, Plin. Ep. iv. 7. Martial. Præf. ii. Plautus calls a lean lamb *curio*, i. e. *qui curâ macet*, which is lean with care, Aul. iii. 6. 27.

3. FECIALES, vel *Fetiales*, sacred persons employed in declaring war and making peace, Liv. ix. 5. The *Fecialis*, who took the oath in the name of the Roman people in concluding a treaty of peace, was called PATER PATRATUS (*quod iusjurandum pro toto populo patrabat*, i. e. *præstabat vel peragebat*), Liv. i. 24.\* The *Feciales* (*collegium fecialium*, Liv. xxxvi. 3.) were instituted by Numa Pompilius, borrowed, as Dionysius thinks, i. 21. ii. 72., from the Greeks: they are supposed to have been twenty in number, Varr. apud Non. xii. 43.† They judged concerning every thing which related to the proclaiming of war, and the making of treaties‡, Ibid. Cic. Legg. ii. 9.: the forms they used were instituted by Ancus, Liv. i. 32. § They were sent to the enemy to demand the restitution of effects (*CLARIGATUM*, i. e. *res raptas clarè repetitum*): they always carried in their hands, or wreathed round their temples, vervain (*verbena*), Serv. in Virg. xii. 120., vel *verbenaca*, a kind of sacred grass or clean herbs (*sagmina* v. *herbæ puræ*), plucked from a particular place in the Capitol, with

\* “Some interpret the name ‘*patres patrati*’ as meaning *fathers in reality* (or perhaps fathers who had fathers); and Plutarch adds, that this law of deputing no persons to treat of peace or war but such whose fathers were living, and who were themselves the fathers of several children, was a political invention of Numæ, grounded upon the presumption that such persons would be more faithful to the interests of their country.” — Hooke’s Rom. Hist. i. p. 80.

† “That is, one from each of the first two tribes; thus also four, two from each tribe, used to be sent on embassies.” — Nieb. i. p. 259.

‡ “The Feciales were necessary whenever a treaty was made, Liv. ix. 5. *Consules negarunt injussu populi fœdus fieri posse; nec sine fecialibus a.iaque ceremonia sollemni*. Otherwise it was said to be made *per sponsionem*; i. e. the consuls, legates, &c. becoming responsible for its being ratified.” — T.

§ “The formulary for declaring war, which Livy has inserted under the reign of Ancus, is indeed to be deemed any thing but a document of that age: it is taken, however, from the books of pontifical law, which went back much further than the Annals, and the writers of which, according to their times, were careful to observe the circumstances and relations of antiquity. In these books such an utter absurdity would never have been committed, as to draw up a formulary in which war is declared against the *old* Latins, for a time when Latin colonies were not even thought of: the phrase is altogether unexceptionable, to denote the united nation of the Priscans and Latins. For Priscus was certainly the name of a people, just like Cæcus; and after the very same manner did it acquire the meaning of primitive and old-fashioned: the *Prisci Latini* are the *Prisci et Latini*, like *populus Romanus Quirites*.” — Nieb. i. p. 324.

the earth in which it grew (*gramen ex arce cum sud terra evulsam*); hence the chief of them was called VERBENARIUS, *Plin.* xxii. 3. xxx. 9. s. 69. If they were sent to make a treaty, each of them carried vervain as an emblem of peace, and a flint stone to strike the animal which was sacrificed (*privos lapides silices, privasque verbenas*), *Liv.* xxx. 43.

4. SODALES *Titii*, vel *Titienses*, priests appointed by Titus Tatius to preserve the sacred rites of the Sabines; or by Romulus, in honour of Tatius himself, *Tacit. Annal.* i. 54. *Hist.* ii. 95.; in imitation of whom the priests instituted to Augustus after his death were called SODALES, *Ibid.* *Suet. Claud.* 6. *Galb.* 8.\*

5. REX *Sacrorum*, vel *Rex sacrificulus*, a priest appointed, after the expulsion of Tarquin, to perform the sacred rites, which the kings themselves used formerly to perform; an office of small importance, and subject to the *Pontifex Maximus*, as all the other priests were, *Liv.* ii. 2. *Dionys.* iv. 74. v. 1. Before a person was admitted to this priesthood, he was obliged to resign any other office he bore, *Liv.* xl. 52. His wife was called REGINA, *Macrob. Sat.* i. 15., and his house anciently REGIA, *Serv. in Virg. Æn.* viii. 363.

#### THE PRIESTS OF PARTICULAR GODS.

THE priests of particular gods were called FLAMINES, from a cap or fillet (*a filo vel pileo*) which they wore on their head, *Varr. L. L.* iv. 15. The chief of these were:—

1. *Flamen DIALIS*, the priest of Jupiter, who was distinguished by a lictor, *sella curulis*, and *toga prætexta*, *Liv.* i. 20., and had a right from his office of coming into the senate, *Liv.* xxvii. 8. *Flamen MARTIALIS*, the priest of Mars, *QUIRINALIS*, of Romulus, &c. These three were always chosen from the patricians, *Cic. Dom.* 14.—They were first instituted by Numa, *Liv.* i. 20. *Dionys.* ii. 64., who had himself performed the sacred rites, which afterwards belonged to the *Flamen Dialis*, *Liv.* i. 20. They were afterwards created by the people, *Gell.* xv. 27., when they were said to be *electi, designati, creati, vel destinati*, *Vell.* ii. 43. *Suet. Jul.* 1., and inaugurated, or solemnly admitted to their office, by the *Pontifex M.* and the augurs, *Cic. Phil.* ii. 43. *Brut.* 1. *Suet. Cal.* 12. *Liv.* xxx. 26. *Valer. Max.* vi. 9. 3., when they were said *inaugurari, prodi, vel capi*, *ibid.*, and *Cic. Mil.* 10. 17. The *Pontifex M.* seems to have nominated three persons to the people, of whom they chose one, *Tacit. Annal.* iv. 16.

The *Flamines* wore a purple robe called LÆNA, *Cic. Brut.* 14., which seems to have been thrown over their *toga*; hence called by Festus, *duplex amictus*, and a conical white cap, called APEX, *Lucan.* i. 604. *Lanigerosque APICES*, *Virg. Æn.* viii. 664. [Hence Ovid terms him *apicatus*, *Fast.* iii. 397.] Although not *Pontifices*, they seem to have had a seat in that college, *Cic. Harusp.* 6. *Dom.* 9. Other *Flamines* were afterwards created, called MINORES, who might be plebeians, (*Festus*,) as the Flamen of Carmenta, the mother of Evander, *Cic. Brut.* 14. The emperors also, after their consecration, had each of them their *Flamines*, and likewise colleges of priests, who were

\* “ They probably answered to the ‘*Fratres Arvales*.’ ” — *Nieb.* i. p. 259.



called *sodales*, Suet. Cl. 6. Thus, FLAMEN CÆSARIS, Suet. Jul. 74. sc. Antonius, Cic. Phil. ii. 43. Dio. xl. iv. 6.

The Flamen of Jupiter was an office of great dignity (*MAXIMÆ dignationis inter xv flamines*, Festus), but subjected to many restrictions, as, that he should not ride on horseback, Fest. 5. Plin. xxviii. 9., nor stay one night without the city, Liv. v. 52. Tacit. Annal. iii. 58., nor take an oath, Liv. xxxi. 50., and several others enumerated, Gell. x. 15. Plutarch. Q. Rom. 39. 43. 107, 108, &c. His wife (*Flaminica*) was likewise under particular restrictions, *Ibid.* & Tacit. Annal. iv. 16. Ovid. Fast. vi. 226.; but she could not be divorced, and if she died the *Flamen* resigned his office, Plutarch. Q. Rom. 49., because he could not perform certain sacred rites without her assistance, *ibid.*\*

From the death of Merula, who killed himself in the temple of Jupiter (*incisis venis, superfusoque altaribus sanguine*), Cicero says in the temple of Vesta, Orat. iii. 3., to avoid the cruelty of Cinna, A. 666, Flor. iii. 21. Vell. ii. 22., there was no *Flamen Dialis* for 72 years, Tacit. Annal. iii. 58.: (Dio makes it 77 years, liv. 36.; but it seems not consistent, *ibid.* 24.) and the duties of his function were performed by the *Pontifices*, till Augustus made Servius Maluginensis priest of Jupiter, Tacit. *ibid.* Suet. Aug. 31. Julius Cæsar had indeed been elected (*destinatus*, Suet. 1., *creatus*, Vell. ii. 43.) to that office at seventeen (*penè puer*, *ibid.*), but, not having been inaugurated, was soon after deprived of it by Sylla, *ibid.*

II. SALII, the priests of Mars, twelve in number, instituted by Numa; so called, because on solemn occasions they used to go through the city dancing, (*a saltu nomina ducunt*, Ovid. Fast. iii. 387., *exultantes SALII*, Virg. Æn. viii. 663., *a saltando, quod facere in comitio in sacris quotannis solent et debent*, Varr. iv. 15.) dressed in an embroidered tunic (*tunicâ pictâ*), bound with a brazen belt, and a *toga prætexta* or *trabea*; having on their head a cap rising to a considerable height, in the form of a cone, (*apex, κυρτασία*), with a sword by their side; in their right hand a spear, a rod, or the like; and in their left, one of the *Ancilia*, or shields of Mars, Dionys. ii. 70. Lucan says it hung from their neck, *Et Salius læto portans Ancilia collo*, i. 603. [Juven. ii. 125.] Seneca resembles the leaping of the *Salii* (*saltus SALIARIS*) to that of fullers of cloth (*saltus FULLONIUS*), Ep. 15. They used to go to the Capitol, through the Forum and other public parts of the city, singing as they went sacred songs †, (*per urbem ibant canentes carmina cum tripudiis solemnique saltatu*, Liv. i. 20. Horat. Od. i. 36. 12. iv. 1. 28.) said to have been composed by Numa (*Saliare Numæ carmen*), Horat. Ep. ii. 1. 86. Tacit. Annal. ii. 83., which in the time of Horace could hardly be understood by any one, *ibid.*, scarcely by the priests themselves, Quintilian. i. 6. 40. Festus calls these verses *AXAMENTA*, vel *Assamenta*, because they were written on tablets.

\* “She wore a flame-coloured robe, called *venenatum*, and a peculiar kind of band about her head, called *rica*.” — Keightley on Ovid. Fast. iii. 397.

† In these songs, Mamurius, the maker of the shields, was celebrated: Ovid. Fast. iii. 260. *Arma ferunt Salii, Mamuriumque vocant.* Virgil (Æn. viii. 285.) assigns the *Salii* to Hercules and the age of Evander: but, as Heyne observes, it appears to have been an appellation common to all priests in ancient Latium: and singing and dancing to have been usual in all religious rites.



The most solemn procession of the *Salii* was on the first of March, in commemoration of the time when the sacred shield was believed to have fallen from heaven, in the reign of Numa. They resembled the armed dancers of the Greeks, called *Curêtes*, from Crete, where that manner of dancing called *Pyrriche* had its origin; whether invented by Minerva, or, according to the fables of the poets, by the *Curêtes*, who, being intrusted with the care of Jupiter in his infancy, *Serv. in Virg.* iv. 151., to prevent his being discovered by Saturn his father, drowned his cries by the sound of their arms and cymbals, *Dionys.* ii. 70. vii. 72. *Hygin.* 139. It was certainly common among the Greeks in the time of Homer, *Il.* vi. 494. *Strab.* x. 467, 468. *fin.*

No one could be admitted into the order of the *Salii* unless a native of the place, and freeborn, whose father and mother were alive. Lucan calls them *lecta juvenus patricia*, because chosen from that order, ix. 478. The *Salii*, after finishing their procession, had a splendid entertainment prepared for them, *Suet. Claud.* 33.; hence *SALIARES dapes*, costly dishes, *Horat. Od.* i. 37. 2. *Epulari Saliarem in modum*, to feast luxuriously, *Cic. Att.* v. 9. Their chief was called *PRÆSUL* (i. e. *qui ante alios salit*), who seems to have gone foremost in the procession, *Cic. Div.* i. 26. ii. 66.; their principal musician, *VATES*; and he who admitted new members, *MAGISTER*, *Capitolin. in Antonin. Philos.* 4. According to Dionysius, iii. 32., Tullus Hostilius added twelve other *Salii*, who were called *AGONALES*, *-enses*, or *Collini*, from having their chapel on the Colline hill. [“That is, the Quirinal: consequently they were of Sabine origin: they were the priests of Pavor and Pallor.” *Nieb.* i. p. 259.] Those instituted by Numa had their chapel on the Palatine hill; hence, for the sake of distinction, they were called *PALATINI*, *Id.* ii. 70. [“They belonged to the primitive Romans.” *Nieb.* i. c.]

III. *LUPERCI*, the priests of Pan; so called (a *lupo*) from a wolf, because that god was supposed to keep the wolves from the sheep, *Serv. in Virg. Æn.* viii. 343. Hence the place where he was worshipped was called *Lupercal*\*, and his festival *Lupercalia*, which was celebrated in February; at which time the *Luperci* ran up and down the city naked, having only a girdle of goats’ skins round their waist, and thongs of the same in their hands, with which they struck those whom they met, particularly married women, who were thence supposed to be rendered prolific, *Ovid. Fast.* ii. 427. 445. v. 101.

There were three companies (*sodalitates*) of *Luperci*; two ancient, called *FABIANI* and *QUINTILIANI*, (a Fabio et Quintilio *præpositis suis*, *Festus*)†, and a third, called *JULII*, instituted in honour of Julius

\* The Lupercal was a cavern dug in a rock in a corner of Mount Palatine. Some authors, and amongst them Ovid, pretend that Romulus and Remus consecrated this cave, because it had been the retreat of the *wolf* that had suckled them, —

“Illa loco nomen fecit, locus ipse Lupercal.” — *Fast.* ii. 421.

In commemoration of this, the Romans placed there a brazen statue, representing a wolf suckling the Twins, which Fulvius Ursinus thinks to be the same which may be seen at present in the Capitol, at the palace of the Conservators; and of which we have a poetical description in Byron’s *Childe Harold*, canto iv. st. 88. See Notes by Hobhouse.

† “Or the Fabii and the Quinctilii (*Ovid. Fast.* ii. 375.). The former, who are mentioned as the comrades of Remus, may be considered as the Sabine fra-

Cæsar, whose first chief was Antony ; and therefore, in that capacity, at the festival of the *Lupercalia*, although consul, he went almost naked into the *forum Julium*, attended by his lictors, and having made an harangue to the people (*nudus concionatus est*, Cic. Phil. ii. 34. 43.) from the Rostra, he, according to concert, as it is believed, presented a crown to Cæsar, who was sitting there in a golden chair, dressed in a purple robe, with a golden diadem, which had been decreed him, surrounded by the whole senate and people, *ibid.* Antony attempted repeatedly to put the crown on his head, addressing him by the title of King, and declaring that what he said and did was at the desire of his fellow-citizens, *Dio.* xlv. 31. 41. xlv. 5. But Cæsar, perceiving the strongest marks of aversion in the people, rejected it, saying that Jupiter alone was king of Rome, and therefore sent the crown to the Capitol, as a present to that god, *Suet. Cæs.* 79. *Cic. Phil.* iii. 5. v. 14. xiii. 8. 15. 19. *Dio.* xlv. 19. *Vell.* ii. 56. *Plutarch. Cæs.* p. 736. *Anton.* p. 921. *Appian. B. C.* ii. p. 496. It is remarkable that none of the succeeding emperors, in the plenitude of their power, ever ventured to assume the name of *Rex*, King.

As the Luperci were the most ancient order of priests, said to have been first instituted by Evander, *Ovid. Fast.* ii. 279. *Liv.* i. 5., so they continued the longest, not being abolished till the time of Anastasius, who died A. D. 518.

IV. POTITII and PINARII, the priests of Hercules, instituted by Evander, *Liv.* i. 7. *Virg. Æn.* viii. 270., when he built an altar to Hercules, called MAXIMA, after that hero had slain Cacus, *Liv.* i. 7.— said to have been instructed in the sacred rites by Hercules himself, *Cic. Dom.* 52. *Serv. in Virg. Æn.* viii. 269., being then two of the most illustrious families in that place. The *Pinarii*, happening to come too late to the sacrifice, after the entrails were eaten up (*extis adesis*), were, by the appointment of Hercules, never after permitted to taste the entrails, *Ibid. & Dionys.* i. 40. So that they only acted as assistants in performing the sacred rites. (*Et domus Herculei custos Pinaria sacri*, *Virg. ibid.*) The *Potitii*, being taught by Evander, continued to preside at the sacrifices of Hercules for many ages ; (*ANTISTITES sacri ejus fuerunt*, *Liv. ibid. Primusque Potitius auctor*, *Virg. ibid.*) till the *Pinarii*, by the authority or advice of Appius Claudius, the censor, having delegated their ministry to public slaves, the whole race (*genus omne*, v. GRÆNS, *Potitiorum*), consisting of twelve *familie*, became extinct within a year ; and some time after Appius lost his sight ; a warning, says Livy, against making innovations in religion (*quod dimovendis statu suo sacris religionem facere posset*), ix. 29.

V. GALLI, the priests of *Cybèle*, the mother of the gods ; so called from GALLUS, a river in Phrygia, which was supposed to make those who drank of it mad, so that they castrated themselves, *Festus* ; as the priests of Cybele did, *Herodian.* i. 11. *Ovid. Fast.* iv. 361. (*genitalia sibi abscindebant cultris lapideis vel Samiâ testâ*, with knives of stone or Samian brick), *Juvenal.* ii. 116. vi. 513. *Martial.* iii. 81. 3. *Plin.* xi. 49. s. 109. xxxv. 12. s. 46., in imitation of *Atys*, —*ylis*, *Attis*,

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ternity ; the more probably, as the Fabian house seems to have belonged to the Sabines : the adherents of Romulus were called Quinctilii : the jealousy of the two tribes gleams through the legend. (*Ovid. Fast.* ii. 361.)"— *Nieb.* i. pp. 186. 259.

-idis, v. *Attin*, -inis, Ovid. *Fast.* iv. 223, &c. Met. x. 104. Arnob.; called also CURETES, *Lucret.* ii. 629, CORYBANTES, *Horat. Od.* i. 16. 8., their chief ARCHIGALLUS, *Serv. in Virg.* ix. 116. *Plin.* xxxv. 10. s. 36.; all of Phrygian extraction, *Dionys.* ii. 19.; who used to carry round the image of Cybele, with the gestures of mad people, rolling their heads, beating their breasts to the sound of the flute (*tibia Bercynthia*, v. *buxi*), making a great noise with drums and cymbals, *Horat. Od.* i. 16. 7. *Virg. Æn.* ix. 619. Sometimes also cutting their arms, and uttering dreadful predictions, *Lucan.* i. 565., *Senec. Med.* 804. During the festival called HILARIA, at the vernal equinox (viii Kal. April.), *Macrobian. Sat.* i. 21., they washed with certain solemnities the image of Cybele, her chariot, her lions, and all her sacred things, in the Tiber, at the conflux of the Almo, *Ovid. Fast.* iv. 337. They annually went round the villages, asking an alms (*stipem emendicantes*), *ibid.* 350. *Pont.* i. 1. 40. *Dionys.* ii. 19., which all other priests were prohibited to do, *Cic. Legg.* ii. 9. 16. All the circumstances relating to *Cybele* and her sacred rites are poetically detailed by Ovid, *Fast.* iv. 181. 373.

The rites of Cybele were disgraced by great indecency of expression, *Juvenal.* ii. 110. *Augustin. de Civ. Dei*, ii. 14.

VIRGINES VESTALES (Παρθέναι Ἑστιάδεις), Virgins consecrated to the worship of Vesta, a priesthood derived from Alba, *Liv.* i. 20., for Rhea Sylvia, the mother of Romulus, was a vestal, *Ibid.* 3., originally from Troy, *Virg. Æn.* ii. 296., first instituted at Rome by Numa, *Liv. ibid.*, four in number, *Dionys.* ii. 64, 65.; two were added by Tarquinius Priscus, *Id.* iii. 67., or by Servius Tullius, *Plutarch. in Numa*\*, which continued to be the number ever after, *Dionys. ibid. Festus in SEX.*

The Vestal Virgins were chosen first by the kings, *Dionys. ibid.*, and after their expulsion, by the *Pontifex Maximus*; who, according to the *Papian* law, when a vacancy was to be supplied, selected from among the people twenty girls, above six and below sixteen [according to others ten] years of age, free from any bodily defect, (which was a requisite in all priests, SACERDOS INTEGER SIT, *Senec. controuv.* iv. 2. *Plutarch. Q. Rom.* 72.) whose father and mother were both alive, and freeborn citizens. It was determined by lot in an assembly of the people, which of these twenty should be appointed. Then the *Pontifex M.* went and took her on whom the lot fell, from her parents, as a captive in war (*manu prehensam a parenti, veluti bello captam abducebat*), addressing her thus, TE, AMATA, CAPIO; that being, according to A. Gellius, the name of the first who was chosen a Vestal: Hence CAPERE *Virginem Vestalem*, to choose; which word was also applied to the *Flamen Dialis*, to the *Pontifices* and augurs, *Gell.* i. 12. But afterwards this mode of casting lots was not necessary. The *Pontifex M.* might choose any one he thought proper, with [some say without] the consent of her parents, and the requisite qualifications (*cujus ratio haberi posset*), *ibid.* Tacit. Ann. ii. 86. If none offered voluntarily, the method of casting lots was used, *Suet. Aug.* 31.

The Vestal Virgins were bound to their ministry for thirty years.

\* "Plut. Numa, c. 10., in ascribing the last augmentation to Servius, is aware of a preceding one, from two to four. The object was, that each tribe might have its own." — *Nieb.* i. p. 258.

For the first ten years they learned the sacred rites; for the next ten, they performed them; and for the last ten, taught the younger virgins, *Senec. de Vit. beat.* 29. *Dionys.* ii. 67. They were all said *præsidere sacris*, *Tacit. Ann.* ii. 86., *ut assiduæ templi* ANTISTITES, v. -tæ, *Liv.* i. 20. The oldest (*Vestaliū vetustissima*, *Tacit. Ann.* xi. 32.) was called MAXIMA, *Suet. Jul.* 83. (ἡ πρεσβύτατα, *Dio.* liv. 24.) After thirty years' service they might leave the temple and marry; which, however, was seldom done, and always reckoned ominous, *Dionys.* ii. 67.

The office of the Vestal Virgins was, — 1. To keep the sacred fire always burning, *Flor.* i. 2. CUSTODIUNTO IGNEM FOCI PUBLICI SEM- PITERNUM, *Cic. Legg.* ii. 8., whence *Æternæque Vestæ oblitus*, *Horat.* Od. iii. 5. 11., watching it in the night-time alternately, *Liv.* xxviii. 31., and whoever allowed it to go out was scourged (*flagris cædebatur*) by the *Pontifex M.*, *Valer. Max.* i. 1. 6. *Dionys.* ii. 67. (*nuda quidem, sed obscuro loco et velo medio interposito*), *Plutarch.* Num. p. 67., or by his order, *Liv.* xxviii. 11. This accident was always esteemed unlucky, and expiated by offering extraordinary sacrifices (*hostiis majoribus procurari*), *ibid.* The fire was lighted up again, not from another fire, but from the rays of the sun, *Plutarch. ibid.*, in which manner it was renewed every year on the first of March; that day being anciently the beginning of the year, *Macrob. Sat.* i. 12. *Ovid. Fast.* iii. 143. — 2. To keep the secret pledge of the empire, *Liv.* v. 52. xxvi. 27., supposed to have been the Palladium, *Lucan.* ix. 994., or the *Penates* of the Roman people, *Tacit. Ann.* xv. 41. *Dionys.* ii. 66., called by *Dio*, τὰ ἱερά; kept in the innermost recess of the temple, visible only to the virgins, or rather to the *Vestalis Maxima* alone, *Lucan. ibid.* & i. 598. *Herodian.* i. 14.; sometimes removed from the temple of Vesta by the virgins, when tumult and slaughter prevailed in the city, *Dio.* xlii. 31., or in case of a fire, rescued by Metellus the *Pontifex M.* when the temple was in flames, A. 512, *Liv. Ep.* xix. *Dionys.* ii. 66. *Ovid. Fast.* vi. 437. &c. at the hazard of his life, and with the loss of his sight, *Plin.* vii. 43., and consequently of his priesthood, *Senec. contr.* iv. 2., for which a statue was erected to him in the Capitol, *Dionys.* ii. 66., and other honours conferred on him, *see* p. 15. — and 3. To perform constantly the sacred rites of the goddess, *Senec. de prov.* 5. Their prayers and vows were always thought to have great influence with the gods, *Cic. Font.* 17. *Dio.* xlviii. 19. *Horat. Od.* i. 2. 28. In their devotions they worshipped the god *Fascinus* to guard them from envy, *Plin.* xxviii. 4. s. 7.

The Vestal Virgins wore a long white robe, bordered with purple; their heads were decorated with fillets (*infulæ*, στίμματα, *Dionys.* ii. 67. viii. 89.) and ribands (*vittæ*), *Ovid. Fast.* iii. 30.; hence the *Vestalis Maxima* is called VITTATA SACERDOS, *Lucan.* i. 597., and simply VITTATA, *Juvenal.* iv. 10., the head-dress, SUFFIBULUM, *Festus*, described by Prudentius, *contra Symmach.* ii. 1093. When first chosen, their hair was cut off and buried under an old *lotos* or lote-tree in the city, *Plin.* xvi. 44. s. 85., but it was afterwards allowed to grow.

The Vestal Virgins enjoyed singular honours and privileges. The prætors and consuls, when they met them in the street, lowered their *fascēs*, and went out of the way, to show them respect, *Sen. contr.* vi. 8.

They had a lictor to attend them in public, at least after the time of the triumvirate, *Dio.* xlvii. 19. *Senec. contr.* i. 2. Plutarch says always, in *Numa*. They rode in a chariot (*carpento* v. *pilento*), *Tacit. Annal.* xii. 42.; sat in a distinguished place at the spectacles, *Id.* iv. 16. *Suet. Aug.* 44.; were not forced to swear, *Gell.* x. 15., unless they were inclined, *Tacit. Annal.* ii. 34., and by none other but Vesta, *Senec. ibid.* They might make their testament, although under age; for they were not subject to the power of a parent or guardian, as other women, *Gell. ibid.* They could free a criminal from punishment, if they met him accidentally, *Plutarch. in Numa*; and their interposition was always greatly respected, *Cic. Font.* 17. *Agr.* ii. 36. *Tacit. Annal.* xi. 32. *Hist.* iii. 81. *Suet. Jul.* 1. *Tib.* 2. *Vit.* 16. They had a salary from the public, *Liv.* i. 20. *Suet. Aug.* 31. They were held in such veneration, that testaments and the most important deeds were committed to their care, *Suet. Jul.* 83. *Aug.* 102. *Tacit. Annal.* i. 8. *Dio.* xlviii. 12. 37. 46. *Tacit. Annal.* iv. 16., and they enjoyed all the privileges of matrons who had three children, *Dio.* lvi. 10.

When the Vestal Virgins were forced through indisposition to leave the ATRIUM VESTÆ, probably a house adjoining to the temple, and to the palace of Numa, REGIA parva NUMÆ, if not a part of it, *Ovid. Trist.* iii. 1. 30. *Fast.* vi. 263., where the virgins lived, they were intrusted to the care of some venerable matron, *Plin. Ep.* vii. 19.

If any Vestal violated her vow of chastity, after being tried and sentenced by the *Pontifices*, she was buried alive with funeral solemnities in a place called the CAMPUS SCELERATUS, near the *Porta Collina*, and her paramour scourged to death in the Forum; which method of punishment is said to have been first contrived by Tarquinius Priscus, *Dionys.* iii. 67. The commission of this crime was thought to forebode some dreadful calamity to the state, and, therefore, was always expiated with extraordinary sacrifices, *Liv.* viii. 15. xxii. 57. *Epit.* xiv. lxiii. *Dionys.* i. 78. ii. 67. viii. 89. ix. 40. *Dio. fragm.* 91, 92. *Plutarch, Q. Rom.* 83. *Ascon. in Mil.* 12. *Suet. Dom.* 8. *Plin. Ep.* iv. 11. *Juvenal.* iv. 10. The suspected virtue of some virgins is said to have been miraculously cleared, *Valer. Max.* viii. 1. 5. *Liv.* xxix. 14. *Plin.* vii. 35.

These were the principal divisions of the Roman priests. Concerning their emoluments the Classics leave us very much in the dark; as they also do with respect to those of the magistrates. When Romulus first divided the Roman territory, he set apart what was sufficient for the performance of sacred rites, and for the support of temples, *Dionys.* ii. 7. So Livy informs us, that Numa, who instituted the greatest number of priests and sacrifices, provided a fund for defraying these expenses (*unde in eos sumptus pecunia erogaretur*), i. 20., but appointed a public stipend (*stipendium de publico statuit*) to none but the Vestal Virgins, *Ibid.* Dionysius, speaking of Romulus, says, that while other nations were negligent about the choice of their priests, some exposing that office to sale, and others determining it by lot; Romulus made a law that two men, above fifty, of distinguished rank and virtue, without bodily defect, and possessed of a competent fortune, should be chosen from each *curia*, to officiate as priests in that *curia* or parish



for life; being exempted by age from military service, and by law from the troublesome business of the city, ii. 21. There is no mention of any annual salary. In after ages the priests claimed an immunity from taxes, which the *Pontifices* and augurs for several years did not pay. At last, however, the quæstors wanting money for public exigencies, forced them, after appealing in vain to the tribunes, to pay up their arrears (*annorum, per quos non dederant, stipendium exactum est*), Liv. xxxiii. 42. Augustus increased both the dignity and emoluments (*COMMODA*) of the priests, particularly of the Vestal Virgins, *Suet. Aug.* 31.; as he likewise first fixed the salaries of the provincial magistrates, *Dio.* lii. 23. 25. liii. 15., whence we read of a sum of money (*SALARIIUM*) being given to those who were disappointed of a province, *Id.* xliii. 4. lxxviii. 22. *Tacit. Agric.* 42. But we read of no fixed salary for the priest; as for the teachers of the liberal arts, *Suet. Vesp.* 18. *Digest.*, and for others, *Suet. Tib.* 46. *Ner.* 10. When Theodosius the Great abolished the heathen worship at Rome, Zosimus mentions only his refusing to grant the public money for sacrifices, and expelling the priests of both sexes from the temples, v. 38. It is certain, however, that sufficient provision was made, in whatever manner, for the maintenance of those who devoted themselves wholly to sacred functions. Honour, perhaps, was the chief reward of the dignified priests, who attended only occasionally, and whose rank and fortune raised them above desiring any pecuniary gratification. There is a passage in the life of Aurelian by Vopiscus, c. 15., which some apply to this subject; although it seems to be restricted to the priests of a particular temple, *Pontifices roboravit*, sc. *Aurelianus*, i. e. he endowed the chief priests with salaries, *decrevit etiam emolumenta ministris*, and granted certain emoluments to their servants, the inferior priests who took care of the temples. The priests are by later writers sometimes divided into three classes, the *antistites*, or chief priests, the *sacerdotes* or ordinary priests, and the *ministri* or meanest priests, whom Manilius calls *auctoratos in tertia jura ministros*, v. 350., but for the most part only into two classes, the *Pontifices* or *Sacerdotes*, and the *ministri*; as in Vopiscus; so in *Legg.* 14. *Cod. Theodos. de Pagan. Sacrif. et Templis.*

## SERVANTS OF THE PRIESTS.

THE priests who had children employed them to assist in performing sacred rites; but those who had no children procured freeborn boys and girls to serve them, the boys to the age of puberty, and the girls till they were married. These were called *Camilli* and *Camillæ*, *Dionys.* ii. 24.

Those who took care of the temples were called *ÆDITUI* or *Æditumni*, *Gell.* xii. 6.; those who brought the victims to the altar and slew them, *POPÆ*, *Victimarii* and *Cultrarii*; to whom in particular the name of *MINISTRI* was properly applied, *Ovid. Fast.* i. 319. iv. 637. *Met.* ii. 717. *Virg. G.* iii. 488. *Juvenal.* xii. 14. The boys who assisted the *Flamines* in sacred rites were called *FLAMINII*; and the girls, *FLAMINÆ*, *Festus*. There were various kinds of musicians, *Tibicines*, *Tubicines*, *Fidicines*, &c. *Liv.* ix. 30.



### III. THE PLACES AND RITES OF SACRED THINGS.

THE places dedicated to the worship of the gods were called temples, **TEMPLA** (*fana, delubra, sacraria, ædes sacræ*), and consecrated by the augurs; hence called *Augusta*. A temple built by Agrippa in the time of Augustus, and dedicated to all the gods, was called *Pantheon*, Dio. liii. 27.

A small temple or chapel was called *Sacellum* or *Ædicula*. A wood or thicket of trees consecrated to religious worship was called *Lucus*, a grove, *Plin.* xii. 6. *Plaut. Amph.* v. 1. 42. The gods were supposed to frequent woods and fountains; hence, *Esse locis superos testatur silva per omnem Sola virens Libyen*, *Lucan.* ix. 522.

The worship of the gods consisted chiefly in prayers, vows, and sacrifices.

No act of religious worship was performed without prayer. The words used were thought of the greatest importance, and varied according to the nature of the sacrifice, *Valer. Max.* i. 1. Hence the supposed force of charms and incantations (*verba et incantamenta carminum*), *Plin.* xxviii. 2. *Horat. Ep.* i. 1. 34. When in doubt about the name of any god, lest they should mistake, they used to say, *QUISQUIS ES*, *Plaut. Rud.* i. 4. 37. *Virg. Æn.* iv. 577. Whatever occurred to a person in doubt what to say, was supposed to be suggested by some divinity, *Plaut. Most.* iii. i. 137. *Apulei. de Deo Socratis*. In the daytime the gods were thought to remain for the most part in heaven, but to go up and down the earth during the night to observe the actions of men, *Plaut. Rud. Prol.* 8. The stars were supposed to do the contrary, *ibid.*

Those who prayed stood usually with their heads covered\* (*capite velâto vel operto*) looking towards the east; a priest pronounced the words before them (*verba præibat*); they frequently touched the altars or the knees of the images of the gods; turning themselves round in a circle (*in gyrum se convertebant*), *Liv.* v. 21., towards the right, *Plaut. Curc.* i. 1. 70.; sometimes they put their right hand to their mouth (*dextram ori admovebant*; whence *adoratio*), and also prostrated themselves on the ground (*procumbebant aris advoluti*).

The ancient Romans used with the same solemnity to offer up vows, (**VOVERE**, *vota facere, suscipere, concipere, nuncupare*, &c.) They vowed temples, games, thence called *Ludi votivi*, sacrifices, gifts, a certain part of the plunder of a city, &c. Also what was called **VER SACRUM**, that is, all the cattle which were produced from the first of March to the end of April, *Liv.* xxii. 9, 10. [xxxiii. 44.] xxxiv. 44. In this vow among the Samnites, men were included, *Festus in MAMERTINI*.†

\* *Virg. Æn.* iii. 405.

“Purpureo velare comas adopertus amictu :  
Ne qua inter sanctos ignes in honore Deorum  
Hostilis facies occurrat, et omnia turbet.”

† “At the end of twenty years, the cattle was sacrificed or redeemed, the youth sent out. Such a vow the Romans made in the second year of the second Punic war, but only as to their flocks and herds. Such vows, the tradition runs, occasioned the sending out of the Sabine colonies; the gods to whom each was dedicated, charged sacred animals to guide them on their way. One colony was led by a

Sometimes they used to write their vows on paper or waxen tablets, to seal them up (*obsignare*), and fasten them with wax to the knees of the images of the gods; that being supposed to be the seat of mercy: hence *Genua incerare deorum*, Juvenal. x. 55.

When the things for which they offered up vows were granted, the vows were said *valere, esse rata*, &c., but if not, *cadere, esse irrita*, &c.

The person who made vows was said, *esse voti reus*; and when he obtained his wish (*voti compos*), *voti damnatus*, bound to make good his vow, till he performed it, *Macrob. Sat. iii. 2.*, vel *voto*, Virg. Ecl. v. 80. Hence *damnabis tu quoque votis*, i. e. *obligabis ad vota solvenda*, shalt bind men to perform their vows by granting what they prayed for, Virg. *ibid.*, *reddere vel solvere vota*, to perform. *Pars prædæ debita*, Liv., *debiti vel meriti honores, merita dona*, &c. A vowed feast (*epulum votivum*) was called POLLUCTUM, *Plaut. Rud. v. 3. 63.*, from *pollucere*, to consecrate, *Id. Stich. i. 3. 80.*, hence *pollucibiliter cænare*, to feast sumptuously, *Id. Most. i. 1. 23.* Those who implored the aid of the gods, used to lie (*incubare*) in their temples, as if to receive from them responses in their sleep, *Serv. in Virg. Æn. vii. 88.* *Cic. Divin. i. 43.* The sick in particular did so in the temple of Æsculapius, *Plaut. Curc. i. 1. 61. ii. 2. 10.* &c.

Those saved from shipwreck used to hang up their clothes in the temple of Neptune, with a picture (*tabula votiva*) representing the circumstances of their danger and escape, Virg. *Æn. xii. 768.* *Horat. Od. i. 5.* *Cic. Nat. D. iii. 37.* So soldiers, when discharged, used to suspend their arms to Mars, gladiators their swords to Hercules, *Horat. Ep. i. 1. 4.*, and poets, when they finished a work, the fillets of their hair to Apollo, *Stat. Silv. iv. 4. 92.* A person who had suffered shipwreck, used sometimes to support himself by begging, and for the sake of moving compassion to show a picture of his misfortunes, *Juvenal. xiv. 301.* *Phædr. iv. 21. 24.*

Augustus having lost a number of his ships in a storm, expressed his resentment against Neptune, by ordering that his image should not be carried in procession with those of the other gods at the next solemnity of the Circensian games, *Suet. Aug. 16.*

Thanksgivings (*gratiarum actiones*) used always to be made to the gods for benefits received, and upon all fortunate events. It was, however, believed that the gods, after remarkable success, used to send on men, by the agency of NEMESIS (*ULTRIX facinorum impiorum, bonorumque PRÆMIATRIX*, *Marcellin. xiv. 11.*) a reverse of fortune, *Liv. xlv. 41.* To avoid which, as it is thought, Augustus, in consequence of a dream, every year, on a certain day, begged an alms from the people, holding out his hand to such as offered him (*cavam manum asses porrigentibus præbens*), *Suet. Aug. 91.* *Dio. liv. 35.*

When a general had obtained a signal victory, a thanksgiving (SUPPLICATIO vel *supplicium*) was decreed by the senate to be made in all the temples, *Liv. iii. 63.*, and what was called a LECTISTERNIUM, when couches were spread (*lecti vel pulvinaria sternebantur*) for the gods, as if about to feast, and their images taken

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woodpecker, the bird of Mamers, into Picenum, then peopled by Pelasgians or Liburnians; another multitude by an ox into the land of the Opicans, this became the great Samnite people; a wolf guided the Hirpinians." — *Nieb. i. p. 72.*



between its horns, the priest having first tasted the wine himself, and given it to be tasted by those that stood next him, which was called *LIBATIO*, *Serv. in Virg. Æn.* iv. 57, &c., and thus the victim was said *esse macta*, i. e. *magis aucta*: hence *immolare et mactare*, to sacrifice; for the Romans carefully avoided words of a bad omen: as *cædere*, *jugulare*, &c. The priest plucked the highest hairs between the horns, and threw them into the fire; which was called *LIBAMINA PRIMA*, *Virg. Æn.* vi. 246.

The victim was struck by the *cultrarius*, with an axe or a mall (*malleo*), *Suet. Calig.* 32., by order of the priest, whom he asked thus, *AGONE?* *Ovid. Fast.* i. 323., and the priest answered, *Hoc AGE*, *Suet. Calig.* 51. [*Hor. Sat.* ii. 3. 152.] Then it was stabbed (*jugulabatur*) with knives; and the blood being caught (*exceptus*) in goblets, was poured on the altar. It was then flayed and dissected. Sometimes it was all burnt, and called *HOLOCAUSTUM*, (*ex ὅλος totus, et ualeo uro*), *Virg.* vi. 25., but usually only a part; and what remained was divided between the priests and the person who offered the sacrifice (*qui sacra v. sacrificium FACIEBAT, v. sacris OPERABATUR*, *Virg. G.* i. 393. *Tacit. Annal.* ii. 14.) The person who cut up the animal, and divided it into different parts, was said *prosecare exta*, *Liv.* v. 21. *Plaut. Pœn.* i. 1. 8., and the entrails thus divided were called *PROSICIÆ* or *PROSECTA*, *Ovid. Fast.* vi. 163. These rites were common to the Romans with the Greeks; whence *Dionysius* concludes that the Romans were of Greek extraction, vii. 72.

Then the *aruspices* inspected the entrails (*exta consulebant*), *Virg.* iv. 64. And if the signs were favourable (*si exta bona essent*), they were said to have offered up an acceptable sacrifice, or to have pacified the gods (*diis litasse*); if not (*si exta non bona vel prava et tristia essent*), another victim was offered up (*sacrificium instaurabatur, vel victima succidanea mactabatur*), and sometimes several, *Cic. de Divin.* i. 36. 38. *Suet. Cæs.* 81. *Liv.* xxv. 16. *Serv. in Virg.* iv. 50. v. 94.

The liver was the part chiefly inspected, and supposed to give the most certain presages of futurity; hence termed *CAPUT EX-TORUM*, *Plin.* xi. 37. s. 73. It was divided into two parts, called *pars FAMILIARIS*, and *pars HOSTILIS vel inimica*. From the former they conjectured what was to happen to themselves; and from the latter, what was to happen to an enemy. Each of these parts had what was called *CAPUT*, *Liv.* viii. 9. *Cic. Divin.* ii. 12, 13. *Lucan.* i. 621., which seems to have been a protuberance at the entrance of the blood-vessels and nerves, which the ancients distinguished by the name of fibres; thus, *In imâ fibrâ*, *Suet. Aug.* 95. *Ecce videt capiti fibrarum increcere molem Alterius capitis*, *Lucan.* i. 627. *En capita paribus bina consurgunt toris*, *Senec. Œdip.* 356. *Caput jecinoris duplex*, *Valer. Max.* i. 6. 9., i. e. two lobes, one on each side of the fissure or cavity, commonly called *PORTA*, v. -tæ, *Cic. Nat. D.* ii. 55., which *Livy* calls *AUCTUM in jecinore*, xxvii. 26. s. 28. A liver without this protuberance (*jecur sine capite*), or cut off (*caput jecinore cæsum*), was reckoned a very bad omen (*nihil tristius*), *Cic. Divin.* i. 52. ii. 13. 16. *Liv.* viii. 9.; or when the heart of the victim could not be found; for although it was known that an animal could not live without the heart, *Cic. Divin.* ii. 16., yet it was believed sometimes to be wanting; as happened to *Cæsar*, a little before his

death, while he was sacrificing, on that day, on which he first appeared in his golden chair and purple robe, *ibid.* i. 52. *Valer. Maz.* i. 6. 13., whereupon the Haruspex Spurina warned him to beware of the ides of March, *ibid. et Suet. Jul.* 81. The principal fissure or division of the liver (*fissum jecoris familiare et vitale*), was likewise particularly attended to, *Cic. Nat. D.* iii. 6. *Divin.* i. 10. ii. 13, 14., as also its fibres or parts, and those of the lungs, *ibid. & Virg. G.* i. 484. *Æn.* iv. 6. x. 176.

After the *Haruspices* had inspected the entrails, then the parts which fell to the gods were sprinkled with meal, wine, and frankincense, and burnt (*adolebantur vel cremabantur*) on the altar. The entrails were said *Diis dari, reddi et porrici, quasi porrigi, vel porro jaci*), when they were placed on the altars (*cum aris vel flammis imponerentur*), *Virg. Æn.* vi. 252. xii. 214. or when, in sacrificing to the *Dii Marini*, they were thrown into the sea, *ibid.* v. 774. Hence, if any thing unlucky fell out to prevent a person from doing what he had resolved on, or the like, it was said to happen *inter cæsa* (sc. *exta*) *et porrecta*, between the time of killing the victim and burning the entrails, i. e. between the time of forming the resolution and executing it, *Cic. Att.* v. 18.

When the sacrifice was finished, the priest having washed his hands and uttered certain prayers, again made a libation, and then the people were dismissed in a set form; *ILICET*, or *ire licet*.

After the sacrifice followed a feast (*Epulæ sacrificales*), which in public sacrifices was sumptuously prepared by the *Septemviri Epulones*. In private sacrifices, the persons who offered them feasted on the parts which fell to them, with their friends; *sacra tulere suam* (partem): *pars est data cetera mensis*, *Ov. Met.* xii. 154.

On certain solemn occasions, especially at funerals, a distribution of raw flesh used to be made to the people, called *Visceratio*, *Liv.* viii. 22. xxxix. 46. xli. 28. *Cic. Off.* ii. 16. *Suet. Cæs.* 38. For *viscera* signifies not only the intestines but whatever is under the hide; particularly the flesh between the bones and the skin, *Serv. in Virg. Æn.* i. 211. iii. 622. vi. 253. *Suet. Vitell.* 13.

The sacrifices offered to the celestial gods differed from those offered to the infernal deities in several particulars.

The victims sacrificed to the former were white, brought chiefly from the river Clitumnus, *Juvenal.* xii. 13. *Virg. Georg.* ii. 146., in the country of the Falisci, *Ovid. [Fast.* i. 84.] *Pont.* iv. 8. 41., their neck was bent upwards (*sursum reflectebatur*), the knife was applied from above (*imponebatur*), and the blood was sprinkled on the altar or caught in cups. The victims offered to the infernal gods were black; they were killed with their faces bent downwards (*prona*), the knife was applied from below (*supponebatur*), and the blood was poured into a ditch.

Those who sacrificed to the celestial gods were clothed in white, bathed the whole body, made libations by heaving the liquor out of the cup (*fundendo manu supinâ*), and prayed with the palms of their hands raised to heaven. Those who sacrificed to the infernal gods were clothed in black; only sprinkled their body with water, made libations by turning the hand (*INVERGENDO, ita ut manu in sinistram partem versâ patera converteretur*), and threw the cup into the fire, *Serv. in Virg. Æn.* vi. 244., prayed with their palms turned down-

wards, and striking the ground with their feet, *Cic. Tusc. Q. ii. 25.* [To the latter also prayers were offered in the evening, not in the morning.]

Sacrifices were of different kinds; some were stated (*stata et solemnia*), others occasional (*fortuita et ex accidente nata*); as, those called *expiatory*, for adverting bad omens (*ad portenta vel prodigia procuranda, expianda et avertenda vel averruncanda*), making atonement for a crime, (*SACRIFICIA PIACULARIA, ad crimen expiandum*), and the like.

Human sacrifices were also offered among the Romans. — By an ancient law of Romulus, which Dionysius calls νόμος προδοσίας, *Lex proditiōis*, ii. 10., persons guilty of certain crimes, as treachery or sedition, were devoted to Pluto and the infernal gods, and therefore any one might slay them with impunity. In after times, a consul, dictator, or prætor, might devote not only himself, but any one of the legion (*ex legione Romana*, called *Scripta*, because perhaps the soldiers not included in the legion, the *Velites*, *Subitarii*, *Tumultuarii*, &c. were excepted), and slay him as an expiatory victim (*piaculum*, i. e. *in piaculum, hostiam cedere*), *Liv. viii. 10.* In the first ages of the republic human sacrifices seem to have been offered annually, *Macrob. Sat. i. 7.*, and it was not till the year 657, that a decree of the senate was made to prohibit it; *ne homo immolaretur*, *Plin. xxx. 1. s. 3.* Mankind, says Pliny, are under inexpressible obligations to the Romans for abolishing so horrid a practice (*qui sustulere monstra, in quibus hominem occidere religiosissimum erat, mandi verò etiam saluberimum*), *Ibid.* We read, however, of two men who were slain as victims with the usual solemnities in the *Campus Martius* by the *Pontifices* and *Flamen* of Mars, as late as the time of Julius Cæsar, *A. 708. Dio. xliii. 24.* Whence it is supposed that the decree of the senate mentioned by Pliny respected only private and magical sacred rites, and those alluded to, *Horat. Epod. 5.* Augustus, after he had compelled L. Antonius to surrender at Perusia, ordered 400 senators and equites, who had sided with Antony, to be sacrificed as victims on the altar of Julius Cæsar, on the ides of March, *A. U. 713. Dio. xlviii. 14.* Suetonius makes them only 300, *Aug. 15.* To this savage action Seneca alludes, *de Clem. i. 11.* In like manner, Sex. Pompeius threw into the sea not only horses, but also men alive, as victims to Neptune, *Dio. xlviii. 48.* Boys used to be cruelly put to death, even in the time of Cicero and Horace, for magical purposes, *Cic. Vat. 14. Horat. Epod. 5.*

A place reared for offering sacrifices was called ARA or ALTARE, an altar: ALTARIA (*ab altitudine*) tantum diis superis consecrabantur; ARÆ et diis superis et inferis, *Serv. in Virg. Ecl. v. 66. Æn. ii. 515.* In the phrase, *Pro aris et focus*, ARA is put for the altar in the *impluvium* or middle of the house, where the *Penates* were worshipped; and Focus for the hearth in the *atrium* or hall, where the *Lares* were worshipped, *Cic. Dom. 40, 41. Deiot. 3. Sext. 42. Phil. ii. 30. Sallust. Cat. 52.* A secret place in the temple, where none but priests entered, was called ADYTUM, *Cæs. B. C. iii. 105.*, universally revered, *Pausan. x. 32.*

Altars used to be covered with leaves and grass, called VERBENA, i. e. herba sacra, *Serv. Virg. Æn. xii. 120. Ecl. viii. 65. Donat. Ter. iv. 4, 5. Horat. Od. iv. 117.* [*herbis Sabinis*, savin, *Ovid. Fast.*



l. 343.] adorned with flowers, *Ovid. Trist.* iii. 13. 15. *Stat. Theb.* viii. 298. *Sil.* xvi. 309., and bound with woollen fillets, *Prop.* iv. 6. 6. *Virg. Æn.* iv. 459., therefore called *nexæ torques*, i. e. *coronæ*, *Id. G.* iv. 276.

Altars and temples afforded an *Asylum* or place of refuge among the Greeks and Romans, *Nep. Paus.* 4. *Cic. Nat. D.* iii. 10. *Q. Rosc.* 2. *Ovid. Trist.* v. 2. 43., as among the Jews, 1 *Kings*, i. 50., chiefly to slaves from the cruelty of their masters, *Terent. Heaut.* v. 2. 22. *Plaut. Rud.* iii. 4. 18. *Most.* v. i. 45., to insolvent debtors and criminals, *Tacit. Annal.* iii. 60. where it was reckoned impious to touch them, *Cic. Tusc.* i. 35. *Virg. Æn.* i. 349. ii. 513. 550., and whence it was unlawful to drag them, *Cic. Dom.* 41., but sometimes they put fire and combustible materials around the place, that the person might appear to be forced away, not by men, but by a god (*Vulcan*), *Plaut. Most.* v. i. 65., or shut up the temple and unroofed it (*tectum sunt demoliti*), that he might perish under the open air, *Nep. Paus.* 5. p. 63.; hence *ara* is put for *refugium*, *Ovid. Trist.* iv. 5. 2.\*

The *Triumviri* consecrated a chapel to Cæsar in the *forum*, on the place where he was burnt; and ordained that no person who fled thither for sanctuary should be taken from thence to punishment; a thing which, says Dio, had been granted to no one before, not even to any divinity; except the *asylum* of Romulus, which remained only in name, being so blocked up that no one could enter it, *Dio.* xlvii. 19. But the shrine of Julius was not always esteemed inviolable; the son of Antony was slain by Augustus, although he fled to it, *Suet. Aug.* 17.

There were various vessels and instruments used in sacrifices; as, *acerra* vel *thuribulum*, a censer for burning incense; *simpulum* vel *simpuvium*, *guttum*, *capis*, -*idis*, [*capedo*, or *capeduncula*,] *patera*, cups used in libations, *olla*, pots; *tripodes*, tripods; *securæ* vel *bipennæ*, axes; *cultri* vel *secespitæ*, knives, &c. But these will be better understood by representation than description.

### THE ROMAN YEAR.

ROMULUS is said to have divided the year into ten months; [*Ovid. Fast.* i. 28. iii. 100. 121.] the first of which was called *Martius*, March, from Mars his supposed father, *Ovid. Fast.* [i. 39.] iii. 75. 98.; the second *Aprilis*, either from the Greek name of Venus, (*Ἀφροδίτη*) *Ovid. Fast.* i. 39. [iv. 61.] *Horat. Od.* iv. 11., or because then trees and flowers open their buds (*se aperiunt*), *Plutarch. in Numa*, *Ovid. Fast.* iv. 87.; the third, *Maius*, May, from *Maia*, the mother of Mercury; and the fourth, *Junius*, June, from the goddess *Juno*, or in honour of the young (*juniorum*); and May of the old (*majorum*); *Ovid. Fast.* v. 427. [vi. 26.] The rest were named from their number, *Quintilis*, *Sextilis*, *September*, *October*, *November*, *December*, *ibid.* i. 41. *Quintilis* was afterwards called *Julius*, from Julius Cæsar; and *Sextilis*, *Augustus*, from Augustus Cæsar; because in it he had first been made consul, and had obtained remarkable victories, *Suet.* 31. *Dio.*

\* Tiberius Cæsar abolished the *asyla*, with the exception of the temple of Juno at Samos, and a temple of Æsculapius, on an island in the Tiber.

lv. 6., in particular he had become master of Alexandria in Egypt, A. U. 724., and fifteen years after (*lustrum tertio*), on the same day, probably the 29th of August, had vanquished the Rhæti, by means of Tiberius, *Horat. Od. iv. 4.* Other emperors gave their names to particular months, but these were forgotten after their death, *Suet. Domit. 13. Plin. Pan. 54.\**

Numa added two months, called *Januarius*, from *Janus*; and *Februarius*, because then the people were purified (*februabatur*, i. e. *purgabatur* vel *lustrabatur*), by an expiatory sacrifice (*Februalia*) from the sins of the whole year; [*Ovid. F. ii. 19. Februa Romani dixere piamina patres;*] for this anciently was the last month in the year, *Cic. de Legg. ii. 21. Ovid. Fast. ii. 49. Tibull. iii. 1. 2.*

Numa, in imitation of the Greeks, divided the year into twelve months, according to the course of the moon, consisting in all of 354 days; he added one day more, *Plin. xxxiv. 7.*, to make the number odd, which was thought the more fortunate. But as 10 days, 5 hours, 49 minutes (or rather 48 minutes, 57 seconds), were wanting to make the lunar year correspond to the course of the sun, he appointed that every other year an extraordinary month called *Mensis Intercalaris*, or *Macedonius*†, should be inserted between the 23d and 24th day of February, *Liv. i. 19.†* The intercalating of this month was left to the discretion (*arbitrio*) of the *Pontifices*; who, by inserting

\* “The year of ten months was undoubtedly still in use long after the time of the kings, and it continued to be applied in certain cases, the original import of which was not recognised by later generations. The Etruscans followed the honest rule of making peace only under the form of a truce for a definite number of years. But they are not charged with having broken any of these treaties, though hostilities almost always recommence before the years of the truce according to the *Fasti* have expired. An instance is furnished by the peace with Veii, in the year 280. This was concluded for forty years. In 316, Fidenæ revolted, and joined Veii, which implies, that the latter was already in a state of war with Rome. That revolt excited great indignation among the Romans, yet they do not accuse the Veientes of having broken their oaths. A still clearer instance is Livy’s saying, in the year 347, when, according to the *Fasti*, 18 years had elapsed of the truce made for 20 years in 329, that the truce had expired. This can only be explained by applying the year of ten months; for 40 of these are equal to 33½ ordinary ones, 20 to 16½; so that in the first case the pacific relation had already ended in the year 314; in the second, with the year 346. The year of ten months was the time for mourning; for the payment of portions left by will; for credit on the sale of yearly profits; most probably for all loans; and it was the measure for the most ancient rate of interest. Scaliger himself remarks it to be certainly singular, that the Saturnalia and Matronalia, those beautiful old household festivals, so inseparably connected with each other by their spirit, should have been celebrated, the former at the end of December, the latter at the beginning of March. The 700 years which Ennius reckons from the building of Rome down to his own time, may have been cyclical years of ten months, for 700 of these make about 583 civil years; and it was in 582 that the old man wrote the last book of his *Annals*.” — *Nieb. i. p. 241.* See, also, the Introduction to *Keightley’s Fasti*.

† *Macedonius*, according to Niebuhr, i. p. 237. “The name is to be found in no Latin writer. It would be unknown to us, if Plutarch (in his life of J. Cæsar) had not chanced to mention it.” — *Keightley, Introd. to Ovid’s Fasti, p. xix.*

‡ “Joseph Scaliger has shown, that the principle was to intercalate a month, alternately of 22 and 23 days, every other year during periods of 22 years, in each of which periods such an intercalary month was inserted ten times, the last biennium being passed over. As five years made a *lustrum*, so five of these periods made a *seculum* of 110 years.” — *Niebuhr, i. p. 334.* Horace *Carm. sec. 21., Certus undenos decies per annos Orbis ut cantus referatque ludos.*

more or fewer days, used to make the current year longer or shorter, as was most convenient for themselves or their friends; for instance, that a magistrate might sooner or later resign his office, or contractors for the revenue might have longer or shorter time to collect the taxes, *Cic. de Legg.* ii. 12. *Fam.* vii. 3. 12. viii. 6. *Att.* v. 9. 13. vi. 1. *Suet. Cæs.* 40. *Dio.* xl. 62. *Censorin.* 20. *Macrob. Sat.* i. 13. In consequence of this licence, the months were transposed from their stated seasons; the winter months carried back into autumn, and the autumnal into summer, *Cic. Att.* x. 17.\*

Julius Cæsar, when he became master of the state, resolved to put an end to this disorder, by abolishing the source of it, the use of the intercalations; and for that purpose, A. U. 707, adjusted the year according to the course of the sun, and assigned to each month the number of days which they still contain. To make matters proceed regularly, from the 1st of the ensuing January, he inserted in the current year, besides the intercalary month of 23 days, which fell into it of course, two extraordinary months between November and December, the one of thirty-three and the other of thirty-four days; so that this year, which was called the last year of *confusion*, consisted of fifteen months, or 445 days, *Suet. Cæs.* 40. *Plin.* xvii. 25. *Macrob. Sat.* i. 14. *Censorin. de Die Nat.* 20.

All this was effected by the care and skill of *Sosigènes*, a celebrated astronomer of Alexandria, whom Cæsar had brought to Rome for that purpose; and a new kalendar was formed from his arrangement by Flavius, a scribe, digested according to the order of the Roman festivals, and the old manner of computing the days by kalends, nones, and ides; which was published and authorised by the dictator's edict.

This is the famous JULIAN or solar year, which continues in use to this day in all Christian countries, without any other variation, than that of the *old* and *new Style*; which was occasioned by a regulation of Pope Gregory, A. D. 1582, who observing that the vernal equinox, which at the time of the council of Nice, A. D. 325, had been on the 21st of March, then happened on the 10th, by the advice of astronomers, caused ten days to be entirely sunk and thrown out of the current year, between the 4th and 15th of October; and to make the civil year for the future to agree with the real one, or with the annual revolution of the earth round the sun: or, as it was then expressed, with the annual motion of the sun round the ecliptic, which is completed in 365 days, 5 hours, 49 minutes, he ordained,

\* "It is remarkable that, among the reasons which detained Cicero in Italy longer than he intended, he mentions the tempestuous weather of the equinox, and the calms that succeeded it; yet this was about the end of May (*ad Att.* x. 17, 18.), which shows what a strange confusion there was at this time in the Roman calendar. Some commentators, for want of attending to this cause, have been strangely puzzled to account for the difficulty, and one of them ridiculously supposes, that by the term equinox, he meant Antony, who used to make his days and nights equal, by sleeping as much as he waked."—*Middleton*, ii. p. 88. "So Hirtius, in his account of the war against Scipio and the other Pompeian generals, says, that Cæsar embarked at Lilybæum for Africa on the 6th of the kalends of January, i. e. on the 27th of our December, which in reality was coincident with our 8th of October, which reconciles it with a passage in Cicero, that states him to have passed over before the solstice on the shortest day, as in fact his embarkation took place two months before it."—*Ibid.* p. 113. See *Hooke's Rom. Hist.* v. p. 408.

that every 100th year should not be leap year; excepting the 400th; so that the difference will hardly amount to a day in 7000 years, or, according to a more accurate computation of the length of the year, to a day in 5200 years.

This alteration of the style was immediately adopted in all the Roman Catholic countries; but not in Britain till the year 1752, when eleven days were dropped between the 2d and 14th September, so that that month contained only nineteen days; and thenceforth the new style was adopted as it had been before in the other countries of Europe. The same year also another alteration was made in England, that the legal year, which before had begun the 25th of March, should begin upon the 1st of January, which first took place 1st of January 1752.

The Romans divided their months into three parts by *Kalends*, *Nones*, and *Ides*. The first day was called KALENDÆ vel *Calendæ*, (*a calando vel vocando*), from a priest calling out to the people that it was new moon; the 5th day, NONÆ, the *nones*; the 13th, IDUS, the *ides*, from the obsolete verb *iduarē*, to divide: because the *ides* [nearly] divided the month. The *nones* [from *nonus*, ninth] were so called, because counting inclusively they were nine days from the *ides*.

In March, May, July, and October, the *nones* fell on the 7th, and the *ides* on the 15th.\* The first day of the intercalary month was called CALENDÆ INTERCALARES, *Cic. Quint. 25.*, of the former of those inserted by Cæsar. KAL. INTERCALARES PRIORES, *Cic. Fam. vi. 14.* — *Intra septimas Calendas*, in 7 months, *Martial. i. 100. 6.* *Sextæ kalendæ*, i. e. *Kalendæ sexti mensis*, the first day of June, *Ovid. Fast. vi. 181.*

Cæsar was led to this method of regulating the year by observing the manner of computing time among the Egyptians; who divided the year into 12 months, each consisting of 30 days, and added 5 intercalary days at the end of the year, and every fourth year 6 days, *Herodot. ii. 4.* These supernumerary days Cæsar disposed of among those months which now consist of 31 days, and also the two days which he took from February; having adjusted the year so exactly to

\* “The space, therefore, between the Nones and Ides was always the same: those between the Kalends and Nones, and the Ides and Kalends, were subject to variation. Originally, however, it would appear, the latter space also was fixed, and there were in every month, except February, sixteen days, from the Ides to the Kalends. The months, therefore, consisted of thirty-one and twenty-nine days, February having twenty-eight. In the Julian Calendar, January, August, and December were raised from twenty-nine to thirty-one days, while their Nones and Ides remained unchanged. It was only necessary then to know how many days there were between the Kalends and Nones, as the remaining portions were constant. Accordingly, on the day of new moon, the pontiff cried aloud, *Calo Jana novella!* five times or seven times, and thus intimated the day of the Nones, which was quite sufficient for the people. *Jana* was the moon, and from *Dea Jana* (pronounced *Yana*), was made *Diana*.”—*Keightley's Fasti*, p. xx. “On all the Kalends, the Pontifex Minor, and the Regina Sacrorum, sacrificed to Juno, who was by some regarded as the moon. A sacrifice of a lamb was offered on the Capitol to Jupiter on the Ides of each month. The Nones were not under the care of any deity. The days following the Kalends, Nones, and Ides were termed *Atri*, black or unlucky, as on these days, the Romans met with their most memorable defeats, at the Cremera, the Allia, and elsewhere. A public calamity on any particular day of any one month rendered *ater* that day in every other month.”—*Keightley on Ovid, Fast. i. 55—60.*

the course of the sun, says Dio (xlii. 26.), that the insertion of one intercalary day in 1461 years would make up the difference; which, however, was found to be ten days less than the truth. Another difference between the Egyptian and Julian year was, that the former began with September, and the latter with January.

The ancient Romans did not divide their time into weeks, as we do, in imitation of the Jews. The country people came to Rome every ninth day (see p. 80.); whence these days were called NUNDINÆ *quasi* NOVENDINÆ, having seven intermediate days for working, *Macrob.* i. 16., but there seems to have been no word to denote this space of time.\* The time, indeed, between the promulgation and passing of a law, was called TRINUM NUNDINUM, or TRINUNDINUM, *Liv.* iii. 35. *Cic. Dom.* 16, 17. *Phil.* v. 3. *Fam.* xvi. 12.; but this might include from 17 to 30 days, according to the time when the table containing the business to be determined (*tabula promulgationis*) was hung up, and the *Comitia* were held. The classics never put *nundinum* by itself for a space of time. Under the later emperors, indeed, it was used to denote the time that the consuls remained in office, which then probably was two months, *Lamprid. in Alex. Sever.* 28. 43., so that there were 12 consuls each year; hence *nundinum* is also put for the two consuls themselves (*collegium consulum*), *Vopisc. Tac.* 9.

The custom of dividing time into weeks (*hebdomades*, v. -*dæ* vel *septimane*) was introduced under the emperors. Dio, who flourished under Severus, says, it first took place a little before his time, being derived from the Egyptians; and universally prevailed, xxxvii. 18. The days of the week were named from the planets, as they still are; *Dies Solis*, Sunday; *Lunæ*, Monday; *Martis*, Tuesday; *Mercurii*, Wednesday; *Jovis*, Thursday; *Veneris*, Friday; *Saturni*, Saturday†; *ibid.*

The Romans, in marking the days of the month, counted backwards.‡ Thus, they called the last day of December *Pridie Kalendas*

\* “Among the Tuscans, or rather according to their system, the ninth day was also called the nones; and it is in connection with this division of time, that the ninth day before the ides permanently retained that name. But the Roman nundines stood in no relation to the body of their year; and the nones were nothing more than a certain day in the month; whereas among the Etruscans, they really marked the weekly periods, and every ninth day was the day of business, on which their kings gave audience and administered justice. The year of 10 months and 304 days is exactly divisible into eight-day weeks, that is, into 38 of them; accordingly, it contains 38 ancient nones; and this very number is that of the *dies fasti*, retained even in the Julian Calendar.” — *Nieb.* i. p. 237.

† “*Tac. Hist.* v. 4., on the Jewish Sabbath: *Alii honorem eum Saturno haberi: seu principia religionis tradentibus Idæis, quos cum Saturno pulsos et conditores gentis accepimus* (compare § 2.). *Tibull. Eleg.* i. 3. 18. *Saturni aut sacram me tenuisse diem.*” — *T.*

‡ “It is an error to suppose that the Romans counted backwards. Thus, taking the month of January for an example, the first day was the Kalends, the second was then viewed with reference to the approaching Nones, and was denominated the *fourth before the Nones*; the day after the Nones was the *eighth before the Ides*; the day after the Ides, the *nineteenth before the Kalends* of February. The technical phraseology of the Roman Calendar ran thus. — The numeral was usually put in the ablative case; and, as the names of the months were adjectives, they were made to agree with the Kalends, &c., or followed in the genitive, *mensis* being understood. Thus, to say that an event occurred on the Ides of March, the term would be *Idibus Martiis*, or *Idibus Martii* (*mensis*). So also of the Kalends and Nones, for any other day, the phrase would be, for example, *tertio Kalendas*, i. e. *tertio* (*die ante*)

sc. *ante*, or *Pridie Kalendarum Januarii*, marked shortly, *Prid. Kal. Jan.*; the day before that, or the 30th of December, *Tertio Kal. Jan.* sc. *die ante*, or *ante diem tertium Kal. Jan.*; and so through the whole year: thus, —

| A TABLE of the KALENDS, NONES, and IDES.* |                       |                          |                          |            |
|---|-----------------------|--------------------------|--------------------------|------------|
| Days of the Month.                        | Apr. June, Sept. Nov. | Jan. August, December.   | March, May, July, Oct.   | February.  |
| 1   | Kalendæ.              | Kalendæ.                 | Kalendæ.                 | Kalendæ.   |
| 2   | IV.                   | IV.                      | VI.                      | IV.        |
| 3   | III.                  | III.                     | V.                       | III.       |
| 4   | Prid. Non.            | Prid. Non.               | IV.                      | Prid. Non. |
| 5   | Nonæ.                 | Nonæ.                    | III.                     | Nonæ.      |
| 6   | VIII.                 | VIII.                    | Prid. Non.               | VIII.      |
| 7   | VII.                  | VII.                     | Nonæ.                    | VII.       |
| 8   | VI.                   | VI.                      | VIII.                    | VI.        |
| 9   | V.                    | V.                       | VII.                     | V.         |
| 10  | IV.                   | IV.                      | VI.                      | ---        |
| 11  | III.                  | III.                     | V.                       |            |
| 12  | Prid. Id.             | Prid. Id.                | IV.                      | 1. Id.     |
| 13  | Idus.                 | Idus.                    | III.                     | s.         |
| 14  | XVIII.                | XIX.                     | Prid. Id.                | I.         |
| 15  | XVII.                 | XVIII.                   | Idus.                    | .          |
| 16  | XVI.                  | XVII.                    | XVII.                    | 7.         |
| 17  | XV.                   | XVI.                     | XVI.                     | I.         |
| 18  | XIV.                  | XV.                      | XV.                      | .          |
| 19  | XIII.                 | XIV.                     | XIV.                     |            |
| 20  | XII.                  | XIII.                    | XIII.                    | X.         |
| 21  | XI.                   | XII.                     | XII.                     | IX.        |
| 22  | X.                    | XI.                      | XI.                      | VIII.      |
| 23  | IX.                   | X.                       | X.                       | VII.       |
| 24  | VIII.                 | IX.                      | IX.                      | VI.        |
| 25  | VII.                  | VIII.                    | VIII.                    | V.         |
| 26  | VI.                   | VII.                     | VII.                     | IV.        |
| 27  | V.                    | VI.                      | VI.                      | III.       |
| 28  | IV.                   | V.                       | V.                       | Prid. Kal. |
| 29  | III.                  | IV.                      | IV.                      | Martii.    |
| 30  | Prid. Kal.            | III.                     | III.                     |            |
| 31  | Mens. seq.            | Prid. Kal.<br>Mens. seq. | Prid. Kal.<br>Mens. seq. |            |

*Kalendas*, or *tertio (die) Kalendarum*. The day before any of the three principal days was *pridie* (i. e. *priore die*) *Kalendas*, or *Kalendarum*, *Nonas* or *Nonarum*, *Idus* or *Iduum*. Another mode of expression was, to use a preposition and an accusative case. Thus, for *tertio Nonas*, they would say, *ante diem tertium Nonas*, which was written *a. d. III. Non.* This form is very much employed by Livy and Cicero. It was even used objectively, and governed of the prepositions *in* and *ex*. We thus meet in *ante tertium Nonas*, and *ex ante diem Nonas*, in these authors. Another preposition thus employed is *ad*, we meet *ad pridie Nonas*. — *Knightley's Fasti*, p. xi.

\* "As the Romans called the second day before the *Kalends*, &c., *tertio*, the third



In leap year, that is, when February has twenty-nine days, which happens every fourth year, both the 24th and 25th days of that month were marked *sexto Kalendis Martii* or *Martias*; and hence this year is called *BISSEXTILIS*.

The names of all the months are used as substantives or adjectives, except *Aprilis*, which is used only as a substantive.

The Greeks had no kalends in their way of reckoning, but called the first day of the month, *νοῦμηνία*, or new moon; hence *ad Græcas Kalendas solvere*, for *nunquam*, Suet. Aug. 87.

The day among the Romans was either *civil* or *natural*.

The civil day (*DIES CIVILIS*) was from midnight to midnight. The parts of which were, 1. *Media nox*; 2. *Mediæ noctis inclinatio*, vel *de mediâ nocte*; 3. *Gallicinium*, cock-crow, or cock-crowing, the time when the cocks begin to crow; 4. *Conticinium*, when they give over crowing; 5. *Diluculum*, the dawn; 6. *Mane*, the morning; 7. *Antemeridianum tempus*, the forenoon; 8. *Meridies*, noon or mid-day; 9. *Tempus pomeridianum*, vel *meridiei inclinatio*, afternoon; 10. *Solis occasus*, sunset; 11. *Vespera*, the evening; 12. *Crepusculum*, the twilight, (*dubium tempus, noctis an diei sit: Ideò dubiæ res creperæ dictæ*, Varr. L. L. vi. 4.) 13. *Prima fax*, when candles were lighted, called also *primæ tenebræ*, Liv. *Prima lumina*, Horat.; 14. *Concubia nox*, vel *concubium*, bedtime, Liv. xxv. 9.; 15. *Intempesta nox*, or *silentium noctis*, far on in the night; 16. *Inclinatio ad mediam noctem*, Censorin. de Die Nat. c. 24.

The natural day (*DIES NATURALIS*) was from the rising to the setting of the sun. It was divided into twelve hours, which were of a different length at different seasons: Hence *hora hiberna* for *brevissima*, Plaut. Pseud. v. 2. 11.

The night was divided into four watches, (*vigilia prima, secunda, &c.*) each consisting of three hours, which were likewise of a different length at different times of the year: Thus, *hora sexta noctis*, midnight; *Septima*, one o'clock in the morning; *Octava*, two, &c. *Plin. Ep. iii. 4.\**

Before the use of dials (*horologia solaris* vel *sciaterica*) was known at Rome, there was no division of the day into hours; nor does that word occur in the Twelve Tables. They only mention sunrising and sunsetting, *before* and *after mid-day*, Censorin. 23. According to Pliny, *mid-day* was not added till some years after, vii. 60., an *accensus* of the consuls being appointed to call out that time (*accenso consulum id pronunciante*), when he saw the sun from the senate-house, between the *Rostra* and the place called *GRÆCOSTASIS*, *Plin. ibid.*, where ambassadors from Greece and other foreign countries used to stand, Varr. L. L. iv. 32. *Cic. ad Q. Fr. ii. 1.*

*Anaximander* or *Anaximēnes*, of Miletus, is said to have invented

*quarto*, &c., it is necessary, in accommodating their dates to our calendar, to *add one* to the number of the Nones and Ides; and *two* to the number of days in the month for the Calends, and then to subtract the number of the day; e. gr. to find the Roman date of July 21st:  $33 - 21 = xii$ . Cal. Sextiles." — *Zumpt's Lat. Gr. p. 427.*

\* At the equinox, the Roman hours would answer to our own in the following manner: —

|          |      |       |      |     |     |      |      |       |      |     |     |      |
|----------|------|-------|------|-----|-----|------|------|-------|------|-----|-----|------|
| Roman,   | i.   | ii.   | iii. | iv. | v.  | vi.  | vii. | viii. | ix.  | x.  | xi. | xii. |
| English, | vii. | viii. | ix.  | x.  | xi. | xii. | i.   | ii.   | iii. | iv. | v.  | vi.  |

dials at Lacedæmon in the time of Cyrus the Great, *Plin.* ii. 76. The first dial is said to have been set up at Rome by L. Papirius Cursor [in the porch of the temple of Quirinus] A. U. 447, and the next near the *Rostra*, by M. Valerius Messāla the consul, who brought it from Catāna in Sicily, in the first Punic war, A. U. 481, *Plin.* vii. 60. *Gell. ex Plaut.* iii. 3.\* Hence, *ad solarium versari*, for *in foro*, Cic. Quint. 18. — Scipio Nasica first measured time by water, or by a *clepsydra*, which served by night as well as by day, A. U. 595. *ibid.* (See p. 214.) The use of clocks and watches was unknown to the Romans.†

## DIVISION OF DAYS, AND ROMAN FESTIVALS.

DAYS among the Romans were either dedicated to religious purposes (DIES FESTI), or assigned to ordinary business (*dies* PROFESTI). There were some partly the one, and partly the other, (*dies* INTERCISI, [or *endotercisi*, *endo* or *indu*, being the old form for *in*] i.e. *ex parte festi*, et *ex parte profesti*), half-holidays.

On the *Dies Festi*, sacrifices were performed, feasts and games were celebrated, or there was at least a cessation from business. The days on which there was a cessation from business were called FERIAE, *holidays*, Cic. Legg. ii. 8. Divin. i. 45., and were either *public* or *private*.

Public *Feriae* or festivals were either stated (STATÆ), or annually fixed on a certain day by the magistrates, or Priests (CONCEPTIVÆ), or occasionally appointed by order of the consul, the prætor, or *Pontifex Maximus* (IMPERATIVÆ).

The stated festivals were chiefly the following:

1. In *January*, AGONALIA, in honour of Janus, [to whom a ram was offered by the Rex Sacrorum] on the 9th (v. *Id.*) *Ovid. Fast.* i. 318. &c., and also on the 21st of May; CARMENTALIA, in honour of Carmenta, the mother of Evander, on the 11th (iii. *Id.*) *Ovid. ibid.* 461. [Also on the 15th, or 18. Kal. Febr., *Ovid. Fast.* i. 617.] But this was a half-holiday (*intercisi*); for after mid-day it was *dies profestus*, a common work-day. On the 13th (*Idibus*) a wether (*vervex* vel *ovis semimas*, -*āris*) was sacrificed to Jupiter, *Ovid. Fast.* i. 588. On this day the name of AUGUSTUS was conferred on Cæsar Octavianus, *ibid.* 590. — On the first day of this

\* “Although this dial, being calculated for a different meridian, could not mark the time with precision at Rome, it was not the less conformed to during an entire century, until Q. Marcus Philippus, who was censor along with Paulus Æmilius, erected one more correct.”—*Sketches of the Institutions, &c. of the Romans*, p. 156.

† “Vitruvius (ix. 9.) attributes the invention of water-clocks to Ctesibius, a native of Alexandria, who lived in the time of the two first Ptolemies. To form an idea of them, we must imagine a basin filled with water, which was emptied in twelve hours, by means of a small hole in the bottom, into another vessel, of equal capacity, in which the water rose by degrees around a column on which the hours were marked perpendicularly. They were usually ornamented with a small figure, made of cork, which floated on the surface, and pointed to the characters on the column. These clocks differed from those invented in Greece, which the ancients denominated *Clepsydræ*; which consisted of a glass, of a pyramidal or conic form, perforated at the base, and which, being filled with a liquid, denoted the time, as it subsided, by means of lines traced on the sides.”—*Ibid.* p. 156.

month people used to wish one another health and prosperity (*omnia fausta*), Plin. xxviii. 2. s. 5. [Ovid. Fast. i. 175.], and to send presents to their friends. (See p. 55.) Most of the magistrates entered on their office, and artists thought it lucky to begin any work they had to perform (*opera auspicabantur*), Senec. Ep. 83. Ovid. et Martial. passim.

2. In FEBRUARY, FAUNALIA, to the god Faunus, on the 19th (*Idibus*)\*; LUPERCALIA, to Lycæan Pan, on the 15th (xv. *kal. Mart.*); QUIRINALIA, to Romulus, on the 17th†; FERALIA, (*quòd tum epulas ad sepulchra amicorum ferebant, vel pecudes feriebant, Festus*), to the *Dii Manes*, on the 21st (Ovid says the 17th or 18th), and sometimes continued for several days: after which friends and relations kept a feast of peace and love (*charistia*) for settling differences and quarrels among one another, if any such existed, *Valer. Max.* ii. 1. 8. Ovid. Fast. ii. 631.‡; TERMINALIA, to *Terminus* [on the 23d]; REGIFUGIUM, *vel regis fuga*, in commemoration of the flight of King Tarquin, on the 24th; EQUIRIA, horseraces in the *Campus Martius*, in honour of Mars, on the 27th.§

3. In March, MATRONALIA, celebrated by the matrons for various reasons, but chiefly in memory of the war terminated between the Romans and Sabines, Ovid. Fast. iii. 170., on the first day; when presents used to be given by husbands to their wives, *Plaut. Mil.* iii. 197. *Tibul.* iii. 1. *Suet. Vesp.* 19.; *Festum ANCILIORUM*, on the same day, and the three following [Ovid. Fast. iii. 259.], when the shields of Mars were carried through the city by the *Salii*, who used then to be entertained with sumptuous feasts; whence *Saliares dapes vel cœnæ*, for *lautæ, opiparæ, opulentæ*, Horat. Od. i. 37.||; LIBERALIA, to Bacchus, on the 18th (xv. *kal. Apr.*), when young men [or boys who had completed their 15th year] used to put on the *Toga virilis*, or manly gown; QUINQUATRUS, *-uum, vel Quinquatria*, Ovid. Fast. iii. 810. Gell. ii. 21., in honour of Minerva, on the 19th, at first only for one day, but afterwards for five; whence they got their name [*Juv.* x. 115.]. At this time boys brought presents to their masters, called *Minervalia*. On the last day of this festival, and also on the 23d March (x. *kal. April.*), the trumpets used in sacred rites were purified (*lustrabantur*) by sacrificing a lamb; hence it was called TUBILUSTRIUM, *vel -IA*, Ovid. Fast. iii. 849. v. 725.; HILARIA, in honour of the mother of the gods, on the 25th.¶

\* On this day also, according to Ovid, Fast. ii. 195., the slaughter of the *Fabii* on the banks of the *Cremera* was commemorated, B. C. 477.

† From the flight and consternation of the people on the disappearance of Romulus, this day was called *Populifugium*, Ovid. Fast. ii. 496. *Fit fuga: rex patriis astra petebat equis.* The *Quirinalia* were also called *Stultorum festa*, Ibid. ii. 513.

‡ Rites were also performed on this day to the goddess *Muta* or *Tacita*, Ovid. Fast. ii. 571.

§ The *Fornacalia*, an indictive festival, in honour of *Fornax*, a rustic deity, who presided over the baking of bread, was celebrated in this month, Ovid. Fast. ii. 525.

|| It was not considered lucky to marry on the Kalends of March, Ovid. Fast. iii. 393. Another *Equiria* took place on the 14th, or *prid. Id.* Also the festival of *Anna Perenna*, on the Ides, iii. 523. For an account of this deity, see Anthon's ed. of Lempriere. On this day J. Cæsar was slain, A. U. C. 709. "The senate decreed that in future this day should be called *Parricidium*, and that no senate should ever sit on it, *Suet. Cæs.* 88." — *Keightley on Ovid. Fast.* iii. 697.

¶ On the 30th (*tertio Kal. Apr.*) was a festival to Janus, Concord, Health, and

4. In April, MEGALESIA, or *Megalenses*, to Cybèle, the great mother of the gods, on the 4th or 5th; CEREBALIA, or *Ludi Cereales*, to Ceres, on the 7th [they continued to the 19th]; FORDICIDIA, on the 15th, when pregnant cows were sacrificed (*fordæ boves*, i. e. *gravidæ, quæ in ventre ferunt*), *Ovid. Fast.* iv. 5. 632. PALLILIA vel *Parilia* to *Pales*, the 21st.\* (See p. 1.) On this day Cæsar appointed Circensian games to be annually celebrated ever after, because the news of his last victory over Labienus and the sons of Pompey at Munda in Spain had reached Rome the evening before this festival, *Dio.* xliii. 42.†; ROBIGALIA, to *Robigus*‡, that he would preserve the corn from mildew (*a rubigine*), on the 25th; FLORALIA, to *Flora* or *Chloris* (*ut omnia bene deflorescerent*, shed their blossoms, *Plin.* xviii. 29.), begun on the 28th, and continued to the end of the month [to the 3d of May], attended with great indecency, *Lactant.* i. 20. 10. *Scholiast. in Juvenal.* vi. 249., which is said to have been once checked by the presence of Cato, *Senec. Ep.* 97. *Martial.* i. 3. & *præf.* *Valer. Max.* ii. 10. 8.

5. In May, on the kalends, were performed the sacred rites of the *Bona Dea*, by the Vestal Virgins, and by women only (*cum omne masculinum expellebatur*), *Juvenal.* vi. 339., in the house of the consuls and prætors, for the safety of the people, *Dio.* xxxvii. 35. 45. § On this day also an altar was erected (*constituta*), and a sacrifice offered to the *Lares* called *Præstites* (*quod omnia tuta præstant*), *Ovid. Fast.* v. 133.; on the 2d, COMPITALIA, to the *Lares* in the public ways, at which time boys are said anciently to have been sacrificed to *Mania* the mother of the *Lares*; but this cruel custom was abolished by Junius Brutus, *Macrobius. Sat.* i. 7.; on the 9th, LEMURIA, to the *Lemures*, hobgoblins, or spectres in the dark, which were believed to be the souls of their deceased friends (*manes paterni*).|| Sacred rites were performed to them for three nights, not successively, but alternately,

Peace. On the 31st (*prid. Kal.*) to Luna or Diana, on the Aventine. — *Ovid. Fast.* iii. 879.

\* “On this day the country people, the earliest inhabitants of Rome, besought from the goddess of shepherds, protection and increase for their flocks, and pardon for the involuntary violation of consecrated spots; and purified themselves by passing through a straw fire, as our ancestors used to kindle fires on May-day.” — *Nieb.* i. p. 190.

† On the 23d (*ix. Kal. Mai.*) were celebrated the Vinalia, in honour of Jupiter, or, according to some, of Venus. — *Ovid. Fast.* iv. 863.

‡ “Or rather to *Robigo*, a goddess, *Ovid. Fast.* iv. 911. &c.” — *Dr. ADAM.*

§ “As she is said to have been the same with Ops, and a pregnant sow was the victim offered to her (*Festus s. v. Damium*), which was also the victim to Tellus (*Hor. Ep.* ii. 1. 143.), I think it extremely probable, that *Bona Dea* was only one of the names of the goddess of the earth. — *Keightley on Ovid. Fast.* v. 148. The sacred rites to this Deity, were probably borrowed from the Eleusinian mysteries.

|| These were instituted by Romulus, to appease the manes of his brother Remus, and were anciently called *Remuria*. — *Ovid. Fast.* v. 479.

Romulus obsequitur, lucemque *Remuria* dixit  
 Illam, qua positis justa feruntur avis.  
 Aspera mutata est in lenem tempore longo  
 Litera, quæ toto nomine prima fuit.  
 Mox etiam Lemures animas dixere silentum;  
 Hic verbi sensus, vis ea vocis erat.

On this festival the temples of the gods were shut, and marriages prohibited.

for six days, *Ovid. Fast.* v. 429. 492.; [on the 12th (4. *Id.*) there were Circensian games in honour of Mars Ultor, *Ovid. Fast.* v. 545.]; on the 13th, or the *ides*, the images of thirty men made of rushes (*simulacra scirpea virorum*), called *Argei*, were thrown from the Sublician bridge by the Vestal Virgins, attended by the magistrates and priests, in place of that number of old men, which used anciently to be thrown from the same bridge into the Tiber, *Festus in DEPONTANI*.<sup>\*</sup> *Varr. de Lat. Ling.* vii. 3. *Ovid. Fast.* v. 621, &c.; on the same day was the festival of merchants (*festum mercatorum*), when they offered up prayers and sacred rites to Mercury; on the 23d (x. *kal. Jun.*), VULCANALIA, to Vulcan, called *Tubilustria*, because then the sacred trumpets were purified, *ibid.* 725.

6. In June, on the *kalends* were the festivals of the goddess CARNA (*quæ vitalibus humanis præerat*), of MARS *Extramuraneus*, whose temple was without the *Porta Capena*, and of JUNO *Moneta*; on the 4th, of BELLONA; on the 7th, *Ludi Piscatorii*; the 9th, VESTALIA, to Vesta [on this day Crassus was defeated and slain, *Ovid. Fast.* vi. 465.]; 11th, MATRALIA, to Mother *Matuta*, &c. [On the *ides*, the Lesser Quinquatrus were celebrated.] With the festivals of June, the six books of Ovid, called *Fasti*, end; the other six are lost.

7. In July, on the *kalends*, people removed (*commigrabant*) from hired lodgings, *Cic. ad Q. Fratr.* ii. 3. *Fam.* xiii. 2. *Suet. Tib.* 35.; the 4th, the festival of *Female Fortune*, in memory of Coriolanus withdrawing his army from the city, *Liv.* ii. 40.; on the 5th, LUDI APOLLINARES, *Liv.* xxv. 12. xxvii. 23.†; the 12th, the birthday of Julius Cæsar; the 15th, or *ides*, the procession of the *Equites* (see p. 24.); the 16th, DIES ALLIENSIS, on which the Romans were defeated by the Gauls (*dies ater et funestus*), *Cic. Att.* ix. 5. *Suet. Vit.* 2.; the 23d, NEPTUNALIA.

8. In August, on the 13th, or *ides*, the festival of Diana‡; 19th, [another] VINALIA [termed *rustica*: see Keightley on *Ovid. Fast.* iv. 863.], when a libation of new wine was made to Jupiter and Venus, *Plin.* xviii. 29.; 18th, CONSUALIA, games in honour of *Consus* the god of counsel§, or of *Equestrian Neptune*, at which the Sabine women were carried off by the Romans, *Liv.* i. 9. [*Ovid. Fast.* iii. 199.]; the 23d, VULCANALIA, *Plin. Ep.* iii. 5.

9. In September, on the 4th (*Prid. Non.*), Ludi MAGNI or ROMANI, in honour of the *great* gods, Jupiter, Juno, and Minerva, for the safety of the city; on the 13th, the consul or dictator (*Prætor Maxi-*

\* "Of the origin of the word *Argei*, I can offer no conjecture; the ceremony seems to me to have been symbolical. Perhaps it had some analogy with that of letting go the scape-goat under the Mosaic law. In the number of the images (thirty) I discern a relation to the thirty curies into which the original Romans were divided; or, perhaps, a more general one to the political number of Latium. See Nieb. R. H. ii. 18." — Keightley on *Ovid. Fast.* v. 660.

† The feast of the *Populifugia* was celebrated on the *nones* (7th) down to the time of Trajan, in memory of the deliverance of Rome from a dangerous invasion of the Fidenates, by the successful stratagem of Philotis, a female slave, and her companions. (*Plut. Camillo.*) — Blair, p. 116.

‡ "Also the anniversary of the birth of King Servius Tullius; on this occasion masters served their slaves as at the Saturnalia." — Blair, l.c.

§ "This festival, sacred to the god of secret deliberations, was solemnised symbolically by uncovering an altar buried in the earth." — Nieb. i. p. 191. This altar was near the first *Meta* in the Circus Maximus.



*mus*) used anciently to fix a nail in the temple of Jupiter, *Liv.* vii. 3. [23d, *Augustalia*, the birthday of Augustus]; the 30th, *MEDITRINALIA*, to *Meditrina*, the goddess of curing or healing (*medendi*), when they first drank new wine.

10. In October, on the 12th, *AUGUSTALIA*, vel *Ludi Augustales* [to celebrate the return of Augustus, at the conclusion of his wars], *Tacit. Annal.* i. 15.; the 13th, *FAUNALIA*; the 15th, or *ides*, a horse was sacrificed, called *Equus Octobris* v. *-ber*, because Troy was supposed to have been taken in this month by means of a horse. The tail was brought with great speed to the *Regia* or house of the *Pontifex M.*, that its blood might drop on the hearth, *Festus*.

11. In November, on the 13th, there was a sacred feast called *Epulum Jovis*; on the 27th, sacred rites were performed on account of two Greeks and two Gauls, a man and woman of each, who were buried alive in the ox-market, *Liv.* xxii. 57. *Plutarch. Quest.* 83. & in *Marcello*. *Plin.* xxviii. 2. s. 3.

12. In December, on the 5th, or *nones*, *FAUNALIA*, *Horat. Od.* iii. 18.; on the 17th (*xvi. kal. Jan.*), *SATURNALIA*\*, the feasts of Saturn, the most celebrated of the whole year, when all orders were devoted to mirth and feasting, friends sent presents to one another, *Suet. Aug.* 75. *Vesp.* 19. *Stat. Silv.* iv. 9., and masters treated their slaves upon an equal footing, *Horat. Sat.* ii. 7., at first for one day, *Liv.* ii. 21. xxii. 1., afterwards for three [by order of Augustus], and, by the order of Caligula, for five days, *Dio.* lix. 6. *Suet. Claud.* 17. *Macrob. Sat.* i. 10. So Claudius, *Dio.* lix. 25. Two days were added, called *SIGILLARIA* (*a sigillis*), from small images, which then used to be sent as presents, especially by parents to their children, *Macrob. ibid*; on the 23d, *LAURENTINALIA* [or *Larentalia*, *Ovid. Fast.* iii. 57.] in honour of *Laurentia Acca*, the wife of *Faustulus*, and nurse of *Romulus*, *Varr. L. L.* v. 3.

The *FERIÆ CONCEPTIVÆ*, which were annually appointed (*concupiebantur* vel *indicebantur*) by the magistrates on a certain day, were —

1. *FERIÆ LATINÆ*†, the Latin holidays (see p. 65.), first appointed by *Tarquin* for one day, *Liv.* i. 55.‡ After the expulsion of

\* “ This feast was meant to exhibit a temporary revival of the golden age, and the primitive equality of mankind.” — *Blair*, p. 115.

† “ *Hor. Epist.* i. 7. 76. *indictis—Latinis*.” — *T.*

‡ “ The opinion that the last *Tarquinius* or his father instituted the festival, is quite erroneous: its antiquity is proved to have been far higher, by the statement that the towns of the *Priscans* and the *Latins* formerly received their share of the sacrifice on the *Alban Mount*, along with the *Albans* and the thirty towns of the *Alban commonwealth*. It is true that *Tarquinius* converted it into a *Roman* one; and probably, too, by throwing it open to a larger body, transformed the national worship of the *Latins* into the means of hallowing and cementing a union between the states. The three allied republics had each its own place of meeting; at *Rome*, at the spring of *Ferentina*, and at *Anagnia*. That the sittings of their diet were connected with the *Latin festival*, seems to be evinced by the usage, that the consuls never took the field till after it was solemnised; and by its variableness, which implies that it was regulated by special proclamation. Like the *Greek festivals*, it ensured a sacred truce. It lasted six days, one for each decury of the *Alban* and *Latin towns*; just as the three *Roman tribes* kept three holidays in the great games, till a fourth was added for the *plebs*. The accession of the *Romans* restored the number of the *Latin holidays*, or at least its propriety; but the establishing the fourth holiday at *Rome* would scarcely add to



the kings they were continued for two, then for three, and at last for four days, *Liv.* vi. 42. The consuls always celebrated the Latin *feriæ* before they set out to their provinces; and if they had not been rightly performed, or if any thing had been omitted, it was necessary that they should be again repeated (*instaurari*), *Liv.* passim.

2. PAGANALIA, celebrated in the villages (*in pagis*) to the tutelary gods of the rustic tribes. (See p. 76.) [*Ovid. Fast.* i. 669.]

3. SEMENTIVÆ, in seed-time, for a good crop, *Varr. ibid.* [*Ovid. Fast.* i. 658.]

4. COMPITALIA, to the *Lares*, in places where several ways met (*in compitis*).

FERIÆ IMPERATIVÆ were holidays appointed occasionally; as, when it was said to have rained stones, *Sacrum NOVENDIALE* vel *feriæ per novem dies*, for nine days, *Liv.* i. 31., for expiating other prodigies, *Liv.* iii. 5. xxxv. 40. xlii. 2., on account of a victory, &c., to which may be added JUSTITIUM (*cùm jura stant*), a cessation from business on account of some public calamity, as a dangerous war, the death of an emperor, &c. *Liv.* iii. 3. 27. iv. 26. 31. vi. 2. 7. vii. 6. 28. ix. 7. x. 4. 21. *Tacit. Annal.* ii. 82. SUPPLICATIO et LECTISTERNIUM, &c. See p. 275.

*Feriæ* were privately observed by families and individuals on account of birthdays, prodigies, &c. The birthday of the emperors was celebrated with sacrifices and various games, as that of Augustus the 23d of September, *Dio.* lii. 8. 26. 34. The games then celebrated were called AUGUSTALIA, *Dio.* lvi. 29., as well as those on the 12th of October (*iv. Id. Octob.*), in commemoration of his return to Rome, *Dio.* liv. 10. lvi. 46., which Dio says continued to be observed in his time, under Severus, *liv.* 34.

DIES PROFESTI were either *Fasti* or *Nefasti*, &c. (see p. 287.) *Nundinæ*, quasi *Novendinæ* (see p. 80.), market-days, which happened every ninth day: when they fell on the first day of the year, it was reckoned unlucky, *Dio.* xl. 47. *Macrob. Sat.* i. 13., and therefore Augustus, who was very superstitious, *Suet. Aug.* 92., used to insert a day in the foregoing year, to prevent it, which day was taken away from the subsequent year, that the time might agree with the arrangement of Julius Cæsar, *Dio.* xlviii. 33.; PRÆLIARES, fighting days, and *non præliares*; as the days *after* the kalends, nones, and ides; for they believed there was something unlucky in the word *post*, after, and therefore they were called *Dies religiosi, atri*, vel *infausti*, *Ovid. Fast.* i. 58., as those days were, on which any remarkable disaster had happened; as *Dies Alliensis*, &c. *Liv.* vi. 1. The ides of March, or the 15th, was called PARRICIDIUM; because on that day Cæsar, who had been called PATER PATRIÆ, was slain in the senate-house, *Suet. Cæs.* 85. 88. *Conclave, in quo cæsus fuerat, obstructum et in latrinam conversum*, *Dio.* xlvii. 19.

As most of the year was taken up with sacrifices and holidays, to the great loss of the public, Claudius abridged their number, *Dio.* lx. 17.

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the length of the Latin festival. It is equally certain that this festival is confounded with the Roman games." — *Nieb.* ii. p. 34.

## ROMAN GAMES.

GAMES among the ancient Romans constituted a part of religious worship. They were of different kinds at different periods of the republic. At first they were always consecrated to some god; and were either stated (*Ludi STATI*), the chief of which have been already enumerated among the Roman festivals; or vowed by generals in war (*VOTIVI*); or celebrated on extraordinary occasions (*EXTRAORDINARI*).

At the end of every 110 years, games were celebrated for the safety of the empire, for three days and three nights, to Apollo and Diana, called *Ludi SÆCULARES*. (See p. 157.) But they were not regularly performed at those periods.\*

The most famous games were those celebrated in the *Circus Maximus*; hence called *Ludi Circenses*; of which the chief were *Ludi Romani* vel *Magni*, Liv. i. 35. [or *Maximi*, vi. 42.]†

### 1. LUDI CIRCENSES.‡

THE *Circus Maximus* was first built by Tarquinius Priscus, and afterwards at different times magnificently adorned. It lay betwixt the Palatine and Aventine hills, and was of an oblong *circular* form, whence it had its name. The length of it was three *stadia* (or furlongs) and a half, i. e. 437½ paces, or 2187½ feet; the breadth little more than one *stadium*, with rows of seats all round, called *Fori* or *spectacula* (i. e. *sedilia unde spectarent*), rising one above another, the lowest of stone, and the highest of wood, where separate places were allotted to each *Curia*, and also to the *Senators* and to the *Equites*; but these last under the republic sat promiscuously with the rest of the people.§ (See p. 8.) It is said to have contained at least 150,000 persons, *Dionys.* iii. 68.; or, according to others, above double that number;

\* This irregularity was owing to the ambition of the Emperors, who were extremely desirous to have the honour of celebrating the *Ludi Sæculares* in their reign; and, therefore, upon the slightest pretence, made them return before their ordinary course. When Claudius, alleging the example of Augustus, wished to celebrate the games within sixty-four years afterwards — the people laughed at the criers when they went about proclaiming, “*Games that nobody had ever seen, nor would see again,*” which was the usual form of invitation. *Suet. Claud.* 21.

† How much the populace were interested in these games, under the Emperors, may be collected from Juvenal, where he observes, that the people, which once distributed all the great offices in the state to whom they thought proper, now —

——— “*duas tantum res anxius optat,  
Panem et Circenses.*” — x. 80.

(The corn distributed by the Emperors and the games of the Circus.) Again, when satirising those who were in the habit of running away from Rome, either on account of debt, or to evade justice, he observes —

“*Ille dolor solus patriam fugientibus, illa  
Mæstitia est, caruisse anno Circensibus uno.*” — xi. 53.

‡ On this subject, see the work by the Rev. R. Burgess: “*Description of the Circus on the Via Appia, near Rome; with some account of the Circensian Games.*” London: Murray: 1828.

§ The whole fabric constructed for seats was called *cavea*.

according to Pliny, 250,000, xxxvi. 17. s. 24. Some moderns say, 380,000. Its circumference was a mile. It was surrounded with a ditch or canal, called *Euripus*, ten feet broad, and ten feet deep; and with porticos three stories high (*στοαὶ τριτάται*), both the work of Julius Cæsar. In different parts there were proper places for the people to go in and out without disturbance. On one end there were several openings (*ostia*), from which the horses and chariots started (*emittebantur*), called CARCERES vel *Repagula*, and sometimes *Carcer* [Virg. *Æn.* v. 145.] (*quòd equos coercebat, ne exirent, priusquam magistratus signum mitteret*, Varro L. L. iv. 32.), first built A. U. 425, *Liv.* viii. 20.\* Before the *carceres* stood two small statues of Mercury (*Hermuli*) [or heads of that deity or any other fixed on square cut pillars of marble], holding a chain or rope to keep in the horses, *Cassiodor. Var. Ep.* iii. 51., in place of which there seems sometimes to have been a white line (*alba linea*), or a cross furrow filled with chalk or lime, *ibid.*, at which the horses were made to stand in a straight row (*frontibus æquabantur*), by persons called MORATORES, mentioned in some ancient inscriptions. But this line, called also CRETA or CALX, seems to have been drawn chiefly to mark the end of the course, or limit of victory (*ad victoriæ notam*), Plin. xxxv. 17. s. 58. Isidor. xviii. 37., to which Horace beautifully alludes, *Mors ultima linea rerum est*, *Ep.* i. 16. fin.

On this end of the *Circus*, which was in the form of a semicircle, were three balconies, or open galleries; one in the middle, and one in each corner; called MÆNIANA, from one Mænius, who, when he sold his house adjoining to the Forum, to Cato and Flaccus the censors, reserved to himself the right of one pillar, where he might build a projection, whence he and his posterity might view the shows of gladiators, which were then exhibited in the Forum, *Ascon. in Cic. Suet. Cal.* 18.†

In the middle of the *Circus*, for almost the whole length of it, there was a brick wall, above twelve feet broad, and four feet high, called SPINA, *Scholiast. in Juvenal.* vi. 587. *Cassiod. Ep.* iii. 51., at both the extremities of which there were three columns or pyramids on one base, called METÆ, or goals‡, round which the horses and cha-

\* They were twelve in number, six on each side of the central gate, or *Porta Pompæ*. "These twelve doors and the *Porta Pompæ* were surmounted by an uninterrupted parapet, probably of marble. Besides this parapet, the Central Gate presented a second story, supported by columns, and forming a magnificent lodge for the chief magistrate, or the president of the games. This was crowned by horses and chariots in bronze, and on the frieze bore a large inscription." — *Burgess*. The corresponding gate at the opposite side was called the *Triumphal Gate*.

† These were properly Towers; one at each end, and the central gate described above; they are stated by *Burgess* to have been three stories high, and crowned with statues of men, chariots, and horses; they are supposed to have been appropriated to those persons who had formed the procession; the upper stories being occupied by the *Tibicines* and other musicians, who continually inspired the combatants with warlike music. On the northern side was the grand Pulvinar or Imperial Seat. (*Suet. Aug.* 45. *Calig.* 4.) On the southern side was the Pulvinar for the *Editor Spectaculorum*, who was generally the *Prætor* or *Quæstor*, *Juv. Sat.* x. 36.

‡ "The *Spina* (i. e. of the *Circus* in the *Via Appia*), was 916 feet in length; in no part higher than 12 feet, nor broader than 22 feet. At each extremity of it, but separated by a space of about 11 feet, are the *metæ*, or goals. The first *meta* is 512 feet distant from the central gate of the *Carcere*s; the second about 148 feet from the steps

riots turned (*flectebant*), so that they always had the *spina* and *metæ* on their left hand, *Ovid. Amor.* ii. 65. *Lucan.* viii. 200., contrary to the manner of running among us.\* Whence *a carceribus ad metam vel calcem*, from the beginning to the end, *Cic. Amic.* 27. *Sen.* 23.†

In the middle of the *spina*, Augustus erected an obelisk, 132 feet high, brought from Egypt; and at a small distance another, 88 feet high. Near the first *Meta*, whence the horses set off, there were seven other pillars, either of an *oval* form or having oval spheres on their top, called OVA, *Varr. de Re Rust.* i. 2. 11., which were raised, or rather taken down (*tollebantur*, *ibid.*), to denote how many rounds the charioteers had completed, one for each round; for they usually ran seven times round the course. Above each of these *ova* was engraved the figure of a dolphin. [These dolphins spouted water. See *Burgess*, p. 72.] These pillars were called FALÆ or PHALÆ [a word which signifies *turrets of wood*]. Some think there were two different kinds of pillars, one with the figure of an *ovum* on the top, which were erected at the *Meta prima*; and another with the figure of a dolphin, which stood at the *Meta ultima*. Juvenal joins them together, *Consult ante falas delphinorumque columnas*, vi. 589. They are said to have been first constructed, A. U. 721, by Agrippa, *Dio.* xlix. 43., but *ova ad metas* (*al. notas*) *curriculis numerandis* are mentioned by Livy, xli. 27., long before, A. U. 577, as they are near 600 years after by Cassiodorus, iii. *Var. Ep.* 51. The figure of an egg was chosen in honour of Castor and Pollux, (*Dioscūri*, i. e. *Jove nati*, *Cic. Nat. D.* iii. 21., *agōnum præsides*), and of a dolphin in honour of Neptune, *Tertullian. Spectac.* 8., also as being the swiftest of animals, *Plin.* ix. 8.

Before the games began, the images of the gods were led along in procession on carriages and in frames (*in thensis et ferculis*), *Suet.* Jul. 76. *Ovid. Amor.* iii. 2. 44. *Cic. Verr.* 5. 72., or on men's shoulders, with a great train of attendants, part on horseback, and part on foot. Next followed the combatants, dancers, musicians, &c. When the procession (*pompa*) was over, the consuls and priests performed sacred rites, *Dionys.* vii. 72.

The shows (*spectacula*) exhibited in the *Circus Maximus* were chiefly the following: —

1. Chariot and horse races, of which the Romans were extravagantly fond. [*Ovid. Fast.* iv. 680.]

The charioteers (*agitatores vel aurigæ*) were distributed into four

of the triumphal gate."—*Burgess*, p. 63. "The *metæ* were formed like cones: hence *Ovid, Met.* x. 106., *metas imitata cupressus*: the whole was collectively called in the singular number, *meta*, *Hor. Od.* i. 4."—*Ibid.* p. 65. *Tac. Hist.* ii. 3.

\* The great difficulty would appear to have been in turning the *meta* neatly, which was increased by the chariots crowding so much to that point, as the innermost would save so much in distance: —

———— "Metaque fervidis  
Evitata rotis."—*Hor. Od.* i.

† "The whole flat enclosed by the walls is called by the ancient writers, and especially the poets, *spatium*, more frequently in the plural number *spatia*, to denote that it was run over several times in one race. *Virg. Æn.* v. 316. *Geo.* i. 513. *Stat. Theb.* vi. 593. *Sil. Ital.* xvi. 303."—*Burgess*, p. 58.

parties (*greges* or factions, from their different dress or livery; *factio alba* vel *albata*, the white; *russata*, the red; *veneta*, the sky-coloured or sea-coloured; and *prasina*, the green faction; to which Domitian added two, called the golden and purple (*factio aurata et purpurea*), Suet. Domit. 7.\* The spectators favoured one or the other colour, as humour or caprice inclined them. [*Virg. Æn.* v. 150.] It was not the swiftness of the horses, nor the art of the men, that attracted them; but merely the dress (*Nunc favent panno, pannum amant*), Plin. Ep. ix. 6. In the time of Justinian, no less than 30,000 men are said to have lost their lives at Constantinople in a tumult raised by contention among the partisans of these several colours, *Procop. Bell. Pers.* i.†

The order in which the chariots or horses stood was determined by lot [*loca sorte legunt*, *Virg. Æn.* v. 132.]; and the person who presided at the games gave the signal for starting by dropping a napkin or cloth, *mappā* vel *panno* [misso.‡ Then the chain of the *Hermuli* being withdrawn, they sprang forward, and whoever first ran seven times round the course was victor, *Propert.* ii. 25, 26. *Senec. Ep.* 30. *Ov. Hal.* 68. This was called one match (*unus MISSUS, -ūs*), for the matter was almost always determined at one heat; and usually there were twenty-five of these in one day, so that when there were four factions, and one of these started at each time, 100 chariots ran in one day, *Serv. in Virg. G.* iii. 18. (*centum quadrijugi*), sometimes many more; but then the horses commonly went only five

\* “The race, in its first institution, was a simple contest of two chariots, whose drivers were distinguished by white and red liveries; two additional colours, a light green and a cerulean blue, were afterwards introduced. The four factions soon acquired a legal establishment and a mysterious origin, and their fanciful colours were derived from the various appearances of nature in the four seasons of the year; the red dog-star of summer, the snows of winter, the deep shades of autumn, and the cheerful verdure of the spring. *Cassiod. Var.* iii. 51.” — *Gibbon’s Decl. and Fall*, &c. c. xl.

† “The chariots, as they are usually called, were nothing more than uncovered two-wheeled cars, high and circular in front, and open behind. They were drawn by three or four horses, abreast, which the driver guided in a standing position, with the reins fastened round his body; a custom which occasioned many serious accidents; for, the course being narrow, the turnings sharp and frequent, and both jostling and crossing permitted, the carriages were often overturned.” — *Sketches of the Institutions, &c. of the Romans*, p. 274.

‡ The custom of hanging out a towel, to announce the commencement of the games, is said by some to have been introduced by Nero; who hearing, whilst at dinner, how impatiently the people expected his coming, threw out at the window the towel with which he wiped his hands, to show that he had dined, and would soon be at the Circus. Quinctilian, however, (i. 5. 57.) says, “*Mappam, usitatum circo nomen, Pœni sibi vindicant.*” Hence it is used for the games themselves.

“*Interea Megalesiacæ spectacula mappæ  
Idæum solemne colunt.*” — *Juv.* xi. 193, 194.

(*Idæum solemne* in honour of Cybele.)

“*Totam hodie Romam circus capit; et fragor aurem  
Percutit, eventum viridis quo colligo panni.*” — *Ibid.* 197, 198.

The green cloth (*viridis pannus*) appears, at that time, to have been favoured by the court; for the poet proceeds to observe, that, if it had not been successful, the city have been as gloomy as if the consuls had been routed at Cannæ.

times [sometimes seven, which was a distance of about four English miles] round the course, *Suet. Claud.* 21. *Ner.* 22. *Domit.* 4.\*

The victor, being proclaimed by the voice of a herald, was crowned, *Suet. Calig.* 32. *Virg. Æn.* iii. 345. [v. 70. 111.] and received a prize in money of considerable value, *Martial.* x. 50. 74. *Juvenal.* vii. 113.†

Palms were first given to the victors at games, after the manner of the Greeks, and those who had received crowns for their bravery in war, first wore them at the games, A. U. 459, *Liv.* x. 47. The palm-tree was chosen for this purpose, because it rises against a weight placed on it (*adversus pondus resurgit, et sursum nititur*), *Gell.* iii. 6. *Plin.* xvi. 42. s. 81. 12.; hence put for any token or prize of victory, *Horat. Od.* i. 1. 5. *Juvenal.* xi. 181., or for victory itself, *Virg. G.* iii. 49. *Ovid. Trist.* iv. 8. 19. *Palma lemniscata*, a palm crown with ribands (*lemnisci*) hanging down from it, *Cic. Rosc. Amer.* 35. *Festus.* *Huic consilio palmam do*, I value myself chiefly on account of this contrivance, *Ter. Heaut.* iv. 3. 31.

2. Contests of agility and strength, of which there were five kinds: running (*cursus*); leaping (*saltus*); boxing (*pugilatus*); wrestling (*lucta*); and throwing the *discus* or quoit (*disci jactus*); hence called *Pentathlon*, vel -on, (*Latinè* QUINQUERTIUM, *Festus*), or *Certamen Athleticum* vel *Gymnicum*, because they contended naked (*γυμνοί*), with nothing on but trowsers or drawers (*subligaribus tantum velati*), whence GYMNASIUM, a place of exercise, or a school. This covering, which went from the waist downwards, and supplied the place of a tunic, was called CAMPESTRE, *Horat. Ep.* i. 11. 18. (*περίζωμα*, *Pausan.* i. 44.), because it was used in the exercises of the *Campus Martius*, and those who used it, *Campestrati*, *Augustin. de Civ. Dei*, xiv. 17. So anciently at the Olympic games, *Thucyd.* i. 6.

The *Athletæ* were anointed with a glutinous ointment called CEROMA, *Martial.* vii. 31. 9. iv. 4. 19. xi. 48. *Juvenal.* vi. 245., by slaves called *Aliptæ* [iii. 76.], *Cic.* 1. 9. 35.; whence *liquida PALÆSTRA*, *Lucan.* ix. 661., *uncta PALÆSTRA*, *Ovid. Ep.* xix. 11., and wore a coarse shaggy garment called ENDRŌMIS, -idis, *Martial.* iv. 19., used of finer stuff by women, *Juvenal. ibid.* ‡ also by those who played at that kind of hand-ball (*pila*), called TRIGON or HARPASTUM, *Martial. ibid.*

\* “The twenty-fifth emission was called *missus ærarius*; because, anciently, on that occasion, a collection was made among the people for the conqueror, either to raise him a sum of money (*æs*) or to erect him a statue. The custom of collecting money was subsequently abolished, but the last emission preserved the epithet of *ærarius*.” — *Burgess*, p. 86.

† “From 30,000 to 32,000 nummi, making about 250*l.* of our money.” — *Burgess*, p. 90.

‡ *Juvenal* is not speaking in this passage of the usual dress of Roman ladies, as the manner in which Dr. Adam has introduced it would lead us to suppose; but of those who practised the athletic art, and thus disgraced their sex:—

“Endromidas Tyrias, et fœmineum ceroma  
Quis nescit? Vel quis non vidit vulnera *pali*  
Quem secat assiduis rudibus, scutoque lacessit?”

The *Endromis* was a thick rug thrown on after the exercise, to prevent taking cold. The female fencers wore it of Tyrian purple. The *palus* was a stake fixed in the ground, about six feet high, at which they practised the thrusts and hits taught them by the fencing-master.



Boxers covered their hands with a kind of gloves (*chirothēcæ*), which had lead or iron sewed into them, to make the strokes fall with a greater weight, called *Cæstus* vel *cestus*, Virg. *Æn.* v. 379. 400.

The combatants (*Athletæ*) were previously trained in a place of exercise (in *palæstrâ* vel *gymnasio*), Plaut. Bacch. iii. 3. 14., and restricted to a particular diet, *Horat. de Art. Poet.* 413. 1 *Corinth.* ix. 25. [called *coliphia*, which some derive from *κῶλα ἰφία*, making the limbs robust, *Juv.* ii. 53. Cf. xi. 20.] In winter they were exercised in a covered place called *XYSTUS* vel *-um*, surrounded with a row of pillars, *PERISTYLIUM*, *Vitruv.* v. 2. But *Xystum* generally signifies a walk in the open air [a terrace] (*ambulatio Hypæthra* vel *subdialis*), laid with sand or gravel, and planted with trees, joined to a *Gymnasium*, Cic. Att. i. 8. Acad. iv. 3. Suet. Aug. 72. Plin. Ep. ii. 17. ix. 36.

The persons thus exercised were called *Palæstritæ*, or *Xystici*; and he who exercised them, *EXERCITATOR*, Plin. xxiii. 7. s. 63. *Magister* vel *Doctor Palæstricus*, *Gymnasiarchus* vel *-a*, *Xystarchus* vel *-es*. From the attention of Antony to gymnastic exercises at Alexandria, he was called *Gymnasiarcha* by Augustus, *Dio. L.* 27.

*PALÆSTRA* was properly a school for wrestling (α πάλη, *luctatio*), but is put for any place of exercise, or the exercise itself: hence *palæstram discere*, to learn the exercise, Cic. *Orat.* iii. 22. *Unctæ dona palæstræ*, exercises, *Ovid. Ep.* xix. 11. These gymnastic games (*gymnici ugonēs*) were very hurtful to morals, Plin. iv. 22.

The athletic games among the Greeks were called *ISELASTIC* (from *ἰσιλαύνω*, *invehor*), because the victors (*Hieroniceæ*, Suet. Ner. 24, 25.), drawn by white horses, and wearing crowns on their heads, — of olive, if victors at the Olympic games, Virg. *G.* iii. 18.; of laurel, at the Pythian; parsley, at the Nemæan; and of pine, at the Isthmian, — were conducted with great pomp into their respective cities, which they entered through a breach in the walls made for that purpose; intimating, as Plutarch observes, that a city which produced such brave citizens, had little occasion for the defence of walls, Plin. Ep. x. 119. They received for life an annual stipend (*opsonia*) from the public, *Ibid.* & *Vitruv.* ix. *Præf.*

3. *LUDUS TROJÆ*, a mock fight, performed by young noblemen on horseback, revived by Julius Cæsar, *Dio.* xliii. 23. Suet. 19., and frequently celebrated by the succeeding emperors, Suet. Aug. 43. Tib. 6. Cal. 18. Claud. 21. Ner. 7. Dio. xlviii. 20. li. 22. &c. described by Virgil, *Æn.* v. 561, &c.

4. What was called *VENATIO*, or the fighting of wild beasts with one another, or with men called *Bestiarii*, who were either forced to this by way of punishment, as the primitive Christians often were; or fought voluntarily, either from a natural ferocity of disposition, or induced by hire (*auctoramento*), Cic. *Tusc. Quæst.* ii. 17. *Fam.* vii. 1. *Off.* ii. 16. *Vat.* 17. An incredible number of animals of various kinds was brought from all quarters, for the entertainment of the people, and at an immense expense, Cic. *Fam.* viii. 2. 4. 6. They were kept in enclosures, called *VIVARIA*, till the day of exhibition. Pompey, in his second consulship, exhibited at once 500 lions, who

were all despatched in five days; also eighteen elephants, *Dio.* xxxix. 38. *Plin.* viii. 7.\*

5. The representation of a horse and foot battle, and also of an encampment or a siege, *Suet. Jul.* 39. *Claud.* 21. *Dom.* 4.

6. The representation of a sea-fight (NAUMACHIA), which was at first made in the *Circus Maximus*, but afterwards oftener elsewhere. Augustus dug a lake near the Tiber for that purpose, *Suet. Aug.* 43. *Tiber.* 72., and Domitian built a naval theatre, which was called *Naumachia Domitiani*, *Suet. Dom.* 5. Those who fought were called *Naumachiarii*. They were usually composed of captives or condemned malefactors, who fought to death, unless saved by the clemency of the emperor, *Dio.* lx. 33. *Suet. Claud.* 21. *Tacit. Annal.* xii. 56.

If any thing unlucky happened at the games, they were renewed, (*instaurabantur*), *Dio.* lvi. 27., often more than once, *Id.* lx. 6.†

## II. SHOWS OF GLADIATORS.

THE shows (*spectacula*) of gladiators were properly called *Munera*, and the person that exhibited (*edebat*) them, *Munerarius* vel -ator, *Editor*, et *Dominus*, *Cic. Att.* ii. 19.; who, although in a private station, enjoyed, during the days of the exhibition, the ensigns of magistracy, *Cic. Legg.* ii. 24. They seem to have taken their rise from the custom of slaughtering captives at the tombs of those slain in battle, to appease their *manes*, *Virg. Æn.* x. 518.

Gladiators were first publicly exhibited (*dati sunt*) at Rome, by two brothers called *Bruti*, at the funeral of their father, A. U. 490, *Liv. Epit.* xvi. *Valer. Max.* ii. 4. 7., and for some time they were exhibited only on such occasions; but afterwards also by the magistrates, to entertain the people, chiefly at the *Saturnalia* and feasts of Minerva.‡ Incredible numbers of men were destroyed in this manner. After the triumph of Trajan over the Dacians, spectacles were exhibited for 123 days, in which 11,000 animals of different kinds were killed, and 10,000 gladiators fought, *Dio.* xlviii. 15.; whence we may judge of other instances. The emperor Claudius, although naturally of a gentle disposition, is said to have been rendered cruel by often attending the spectacles, *Dio.* lx. 14.

\* The elephants taken from the Carthaginians during the first Punic war, A. U. 502, afford the earliest instance of wild animals thus exhibited.

† The following list is given by Burgess, p. 42., of the subordinate officers about the Circus:—

*Medici*—Surgeons for attending the wounded combatants.

*Aurigatores*—The charioteer's attendants.

*Procuratores Dromi*—Those who cleared the arena.

*Conditores*—Those who greased the chariot-wheels.

*Moratores Ludi*—Those who stopped the horses at the end of the course, or opened the doors of the *Carceres*.

*Lineatores*—The directors of the *alba linea*.

*Erectores Ovirum*—Those who set up the eggs on the *Spina*.

*Spratores*, or *Sparsores*—Those who threw water on the chariots and horses.

*Sutores* and *Sarcinatores*—Tailors and sewers for preparing the costumes of the combatants.

*Viatores*—Running messengers.

*Armentarii*—Grooms or equerries.

‡ "Ovid. Fast. iii. 811—814. Trist. iv. 10. 13."—T.

Gladiators were kept and maintained in schools (*in ludis*) by persons called LANISTÆ, who purchased and trained them. The whole number under one *Lanista* was called *FAMILIA*, *Suet. Jul. 26. Aug. 42.* They were plentifully fed on strong food; hence *Sagina gladiatoria*, *Tacit. Hist. ii. 88.\**

A *Lanista*, when he instructed young gladiators (*tirones*), delivered to them his lessons and rules (*dictata et leges*) in writing, *Suet. Jul. 26. Juvenal. xi. 8.*, and then he was said *commentari*, *Cic. de Orat. iii. 23.*, when he gave over his employment, *a gladiis recessisse*, *Cic. Rosc. Am. 40.*

The gladiators, when they were exercised, fenced with wooden swords (*rudibus batuebant*; whence *batualia*, a battle), *Cic. ibid. Suet. Calig. 32. 54.* When a person was confuted by weak arguments, or easily convicted, he was said, *plumbeo gladio jugulari*, *Cic. Att. i. 16. Jugulo hunc suo sibi gladio*, I foil him with his own weapons, I silence him with his own arguments, *Terent. Adelph. v. 8. 34. O plumbeum pugionem!* O feeble or inconclusive reasoning! *Cic. Fin. iv. 18.*

Gladiators were at first composed of captives and slaves, or of condemned malefactors. Of these, some were said to be *ad gladium damnati*, who were to be despatched within a year: this, however, was prohibited by Augustus (*gladiatores sine missione edi prohibuit*), *Suet. Aug. 45.*; and others, *ad ludum damnati*, who might be liberated after a certain time. But afterwards also freeborn citizens, induced by hire or by inclination, fought on the *arena*, some even of noble birth, *Juvenal. ii. 143. viii. 191. &c. Liv. xxviii. 2. Suet. Ner. 12.*, and what is still more wonderful, women of quality, *Tacit. Annal. xv. 32. Suet. Domit. 4. Juvenal. vi. 254. &c.*, and dwarfs (*nani*), *Stat. Sylv. I. vi. 57.*

Freemen who became gladiators for hire were said *esse auctorati*, *Hor. Sat. ii. 7. 59.*, and their hire, *auctoramentum*, *Suet. Tib. 7.*, or *gladiatorium*, *Liv. xlv. 31.*, and an oath was administered to them, *Pet. Arbitr. 117.*

Gladiators were distinguished by their armour and manner of fighting. Some were called SECUTORES, whose arms were a helmet, a shield, and a sword, or a leaden bullet (*massa plumbea*), *Isidor. xviii. 55.* With them were usually matched (*committebantur vel componebantur*) the RETIARII. A combatant of this kind was dressed in a short tunic, but wore nothing on his head, *Suet. Calig. 30. Claud. 34. Juvenal. viii. 205.* He bore in his left hand a three-pointed lance, called *Tridens* or *Fuscina*, and in his right a net (*RETE*), with which he attempted to entangle (*irretire*) his adversary, by casting it over his head and suddenly drawing it together, and then with his trident he usually slew him. But if he missed his aim, by either throwing the net too short or too far, he instantly betook himself to flight, and endeavoured to prepare his net for a second cast; while his antagonist as swiftly pursued (whence the name *Secutor*), to prevent his design by despatching him. [*Juv. ii. 143.*]

\* Capua was a common seminary or place of educating gladiators for the great men of Rome. At the breaking out of the civil wars betwixt Pompey and Cæsar, the latter had a famous school there, which he had long maintained for the occasions of his public shows in the city; and Pompey, in order to prevent them from breaking into arms, when Cæsar had passed the Rubicon, distributed them among the inhabitants of the place, assigning two to each master of a family.

Some gladiators were called MIRMILLONES (a μίρμιρ, *piscis*), because they carried the image of a fish on their helmet; hence a *Retiarius*, when engaged with one of them, said, "I do not aim at you, I throw at your fish," (NON TE PETO, PISCEM PETO: QUID ME FUGIS, GALLE?) *Festus*. The *Mirmillo* was armed like a Gaul, with a buckler (*parma vel pelta*) and a hooked sword or cutlass (*sica vel harpe*, i. e. *gladio incurvo et falcato*), and was usually matched with a Thracian (THREX vel THRAX, i. e. *Threcidicis armis ornatus*), Cic. Phil. vii. 6. Liv. xli. 20. Horat. Sat. ii. 6. 44. Suet. Cal. 32. Juvenal. viii. 201. Auson. in Monosyll. 102. *Quis Myrmilloni componitur æquimanus? Threx.*

Certain gladiators from their armour were called SAMNITES, Liv. ix. 40. Cic. *Sext.* 64., and also *Hoplomächii*, Suet. Cal. 35. Some *Dimachæri*, because they fought with two swords; and others *Laquearii*, because they used a noose to entangle their adversaries, *Isidor.* xviii. 56.

There was a kind of gladiators who fought from chariots (*ex essēdis*), after the manner of the Britons or Gauls, called ESSEDARII, Cic. *Fam.* vii. 6. Suet. Cal. 35. *Cæs. de B. G.* v. 24., and also from horseback, with, what was curious, their eyes shut (*clausis oculis*), who were called ANDABATÆ, Cic. *Fam.* vii. 10. Hence *Andabatarum more pugnare*, to fight in the dark or blindfold. *Hieronym.*

Gladiators who were substituted (*supponebantur*) in place of those who were conquered or fatigued, were called SUPPOSITITII, or SUBDITITII, *Martial.* v. 25. 8. Those who were asked by the people, from the emperor, on account of their dexterity and skill in fighting, were called POSTULATITII: such were maintained at the emperor's private charge, and hence called FISCALES or *Cæsariani*. Those who were produced and fought in the ordinary manner were called ORDINARII, Suet. *Aug.* 44. *Domit.* 4.

When a number fought together (*gregatim, temere ac sine arte*), and not in pairs, they were called CATERVARI, Suet. *Aug.* 45. Cal. 30. Those produced at mid-day, who were generally untrained, MERIDIANI, *Senec. Epist.* 7. Suet. *Claud.* 34.

The person who was to exhibit gladiators (EDITOR), some time before announced the show (*munus edicebat*, Senec. Ep. 117. *ostendebat, pronunciabat, proponebat, &c.* Cic. *Fam.* ii. 8. ix. 8. Suet. Jul. 26. Tit. 8.) by an advertisement or bill pasted up in public (*per libellum publicè affixum*), in which he mentioned the number and names of the most distinguished gladiators. Sometimes these things seem to have been represented in a picture, Horat. Sat. ii. 7. 95. *Plin.* xxxv. 7. s. 33.

Gladiators were exhibited sometimes at the funeral pile, often in the *Forum*, which was then adorned with statues and pictures, Cic. *Verr.* i. 22.; but usually in an amphitheatre, so called, because it was seated all around, like two theatres joined, *Plin.* xxxvi. 14. 16, &c.

AMPHITHEATRES were at first temporary, and made of wood. The first durable one of stone was built by Statilius Taurus, at the desire of Augustus, Suet. *Aug.* 29., which seems likewise to have been partly of wood. The largest amphitheatre was that begun by Vespasian and completed by Titus, now called COLISÆUM [or COLOSSEUM], from

the *Colossus* or large statue of Nero which stood near it.\* It was of an oval form, and is said to have contained 87,000 spectators. Its ruins still remain.† The place where the gladiators fought was called [*cavea* or] ARENA, because it was covered with sand or sawdust, to prevent the gladiators from sliding, and to absorb the blood; and the persons who fought *Arenarii*. But *arena* is also put for the whole amphitheatre, or the show, *Juvenal.* iii. 34.; also for the seat of war, *Prima belli civilis arena Italia fuit*, *Flor.* iii. 20, 21. iv. 2. thus *Lucan.* vi. 63., or for one's peculiar province, *Plin. Ep.* vi. 12.

The part next the *arena* was called PODIUM [*Juv.* ii. 144.], where the senators sat, and the ambassadors of foreign nations; and where also was the place of the emperor (*SUGGESTUS* vel *-um*), elevated like a pulpit or tribunal, *Suet. Jul.* 76. *Plin. Paneg.* 51., and covered with a canopy like a pavilion (*CUBICULUM* vel *papilio*, *Suet. Ner.* 12.), likewise of the person who exhibited the games (*Editoris Tribunal*), and of the Vestal Virgins, *Suet. Aug.* 44.

The *Podium* projected over the wall which surrounded the *arena*, [like a foot put forward, whence its name]; and was raised between twelve and fifteen feet above it: secured with a breastwork or parapet (*loricâ*) against the irruption of wild beasts. As a further defence, the *arena* was surrounded with an iron rail (*ferreis clathris*), and a canal (*euripo*), *Plin.* viii. 7.‡

The *Equites* sat in fourteen rows behind the senators. The seats (*gradus* vel *sedilia*) of both were covered with cushions (*pulvillis*), *Juvenal.* iii. 152., first used in the time of Caligula, *Dio.* lix. 7. The rest of the people sat behind, on the bare stone, and their seats were called POPULARIA, *Suet. Claud.* 25. *Dom.* 4. The entrances to these seats were called VOMITORIA [sixty-four in number, in the Colisæum]; the passages (*viæ*) by which they ascended to the seats were called *Scalæ* or *Scalaria*; and the seats between two passages were, from their form, called *Cuneus*, a wedge, *Juvenal.* vi. 61. *Suet. Aug.* 44. For, like the section of a circle, this space gradually widened from the *arena* to the top. Hence, *Cuneis innotuit res omnibus*, to all the spectators, *Phædr.* v. 7. 35.

Sometimes a particular place was publicly granted to certain persons by way of honour, *Cic. Phil.* ix. 7., and the *editor* seems to have

\* It was built out of part of the materials, and on a portion of the site, of Nero's golden house.

† "It measured in its longer diameter 615½ English feet, and in the shorter 510 feet. The accommodations for the spectators within occupied the width of 157 feet, leaving for the longer diameter of the *arena* 281 feet, and for the shorter 176 feet, with 20 feet for the walls, &c. of the building. Its entire circumference measured about 1,770 feet, including a superficial area of 246,661 feet, or something more than 4½ acres of land. Its extreme height was about 164 feet. The exterior elevation was composed of three stories of arcades, presenting successively the Doric, the Ionic, and the Corinthian orders. At its dedication, 5000 wild beasts are said by Eutropius to have been sacrificed in the arena, and 9000, according to Dio." — *Encycl. Metrop.* art. *Amphitheatre*.

‡ "The Latin term *podium* was probably the origin of our term *pew*, as Junius, Minshewe, and others, have long ago conjectured. They appear, in their origin and purpose, to bear a striking resemblance to each other. Both were an encroachment on the space at first appropriated to the people. Both were erected in the best situations, and both were set apart for the noble, the great, and distinguished." — *British Mag.* Sept. 1834. p. 305.

been allowed to assign a more honourable seat to any person whom he was inclined to favour, *Cic. Att.* ii. 1.

There were certain persons called DESIGNATORES or *Dissignatores*, masters of ceremonies, who assigned to every one his proper place, *Plaut. Pœnul. prolog.* 19. *Cic. Att.* iv. 3., as undertakers did at funerals, *Horat. Epist.* i. 7. 6.; and when they removed any one from his place, they were said *eum excitare vel suscitare*, *Martial.* iii. 95. v. 14. vi. 9. The *Designatores* are thought by some to have been the same with what were called LOCARII (*quia sedes vel spectacula locabant*). But these, according to others, properly were poor people, who came early and took possession of a seat, which they afterwards parted with to some rich person who came late, for hire, *Martial.* v. 25.\*

Anciently, women were not allowed to see the gladiators, without the permission of those in whose power they were, *Valer. Max.* vi. 3. 12.; but afterwards this restriction was removed. Augustus assigned them a particular place in the highest seats of the amphitheatre, *Suet. Aug.* 44. *Ovid. Amor.* ii. 7. 3.

There were in the amphitheatres secret tubes, from which the spectators were besprinkled with perfumes (*croco diluto aut aliis fragrantibus liquoribus*), *Martial.* v. 26. & de Spect. 3., issuing from certain figures (SIGNA), *Lucan.* ix. 808.; and in rain or excessive heat there were coverings (*vela vel velaria*) to draw over them, *Juvenal.* iv. 122. For which purposes there were holes in the top of the outer wall, in which poles were fixed to support them. But when the wind did not permit these coverings to be spread, they used broad-brimmed hats or caps (*causiae vel pilei*) and umbrellas, *Dio.* lix. 7. *Martial.* xiv. 27, 28.

By secret springs, certain wooden machines called PEGMATA vel -mæ, were raised to a great height, to appearance spontaneously, and elevated or depressed, diminished or enlarged, at pleasure, *Martial. Spect.* ii. 16. viii. 33. *Senec. Epist.* 88. *Suet. Claud.* 34. Gladiators were sometimes set on them, hence called *Pegmæres*, *Suet. Cal.* 26., and boys (*et pueros inde ad velaria raptos*), *Juvenal.* iv. 122. But *pegmata* is put by Cicero for the shelves (*pro loculis*) in which books were kept, *Att.* iv. 8.

Nigh to the amphitheatre was a place called SPOLIARIUM, to which those who were killed or mortally wounded were dragged by a hook (*unco trahebantur*), *Plin. Paneg.* 36. *Senec. Epist.* 93. *Lamprid.* in *Commod.* fin.†

\* The general superintendence of the building was under the direction of a *villicus amphitheatri*.

† “ Of the other amphitheatres of the ancient world, it may be sufficient to remark that, while they were all more or less modelled upon the plan of the Coliseum, and subject to similar laws and arrangements, as far as the circumstances of their respective situations would admit, those of Verona, Capua, Nismes, and Autun, alone approached the amphitheatre of the capital in the style of their decorations, and the regularity of their management. That of Verona measured 506 English feet in the longer diameter, in the shorter, 405 feet; and the arena was 247 feet long, by 145 feet wide; — the whole building including a circuit of 1,451 feet, and a superficial area of 204,930 feet: equal to about four fifths of the size of the Coliseum itself. Its entire height, consisting of three stories of arcades, was about 90 English feet. The amphitheatre at Nismes was 430 English feet long, by 338 wide; including an area of nearly three acres: here were two stories of arcades, reaching to about 65 feet in



On the day of the exhibition, the gladiators were led along the arena in procession. Then they were matched by pairs (*paria inter se componebantur*, vel *comparabantur*), Horat. Sat. I. vii. 20., and their swords examined (*explorabantur*) by the exhibiter of the games, Suet. Tit. 9.

The gladiators, as a prelude to the battle (*præludentes* vel *proludentes*), at first fought with wooden swords or the like, flourishing (*ventilantes*) their arms with great dexterity, Cic. de Orat. ii. 78. Senec. Ep. 117. Ovid. Art. Am. iii. 515. 589. [Juven. v. 26.] Then, upon a signal given with a trumpet (*sonabant ferali clangore tubæ*), they laid aside these (*arma lusoria, rudes* vel *gladios hebetes ponebant*, v. *abjiciebant*), and assumed their proper arms (*arma pugnatoria*, vel *decretoria*, i. e. *gladios acutos sumebant*), Quintilian. x. 5. 20. & Suet. Cal. 54. They adjusted themselves (*se ad pugnam componebant*, Gell. vii. 3.) with great care, and stood in a particular posture (*in statu vel gradu stabant*), Plaut. Mil. iv. 9. 12. Hence *moveri*, *dejici*, vel *deturbari de statu mentis*: *depelli*, *dejici*, vel *demoveri gradu*, &c. Cic. Off. i. 23. Att. xvi. 12. Nep. Themist. 5. Liv. vi. 32. Then they pushed at one another (*petebant*), and repeated the thrust (*repetebant*), Suet. Cal. 58. They not only pushed with the point (*punctum*), but also struck with the edge (*cæsim*). It was more easy to parry or avoid (*cavere*, *propulsare*, *exire*, *effugere*, *excedere*, *eludere*), direct thrusts (*ictus adversos, et rectas ac simplices manus*), than back or side strokes (*manus vel petitiones aversas tectasque*), Quintilian. v. 13. 54. ix. 1. 20. Virg. Æn. ix. 439. Cic. Cat. i. 6. They therefore took particular care to defend their side (*latus tegere*); hence *latere tecto abscedere*, to get off safe, Ter. Heaut. iv. 2. 5. *Per alterius latus peti*, Cic. Vat. 5. *Latus apertum* vel *nudum dare*, to expose one's self to danger, Tibull. i. 4. 46. Some gladiators had the faculty of not winking. Two such, belonging to the emperor Claudius, were on that account invincible, Plin. xi. 37. s. 54. Senec. de Ir. ii. 4.

When any gladiator was wounded, the people exclaimed, HABET, sc. *vulnus*, vel *hoc habet*, he has got it.\* The gladiator lowered (*submittebat*) his arms as a sign of his being vanquished: but his fate depended on the pleasure of the people, who, if they wished him to be saved, pressed down their thumbs (*pollicem premebant*), Horat. Ep. i. 18. 66.; if to be slain, they turned up their thumbs (*pollicem vertebant*), Juvenal. iii. 36.† (hence *laudare utroque pollice*, i. e. *valde*,

height. Other buildings of this description, as at Pola in Istria, at Pæstum in Lucania, and at Italica in Spain, enclosed one, two, and three acres of ground; and sometimes the sides of adjacent hills were seated, and adapted to the purposes in question: as at Corinth, and Gortina in Candia. Vestiges of amphitheatres, on a smaller scale, are found at Alba; at Otricoli in Umbria; at Puzzuoli; at Syracuse, Agrigentum, and Catania, in Sicily; at Sandwich in Kent, and Caerleon in Monmouthshire (partly natural valleys), in Great Britain." — *Encycl. Metrop.*

\* When a gladiator received a wound, he covered it with the broad belt which he wore, in order to conceal it from the spectators. So Persius, when lashing the iniquities of Nero, says that they were concealed by the splendour of his station (*lato balteus auro*):—

————— " Ilia subter,  
Cæcum vulnus habes; sed lato balteus auro  
Prætegit." Sat. iv. 43—45.

† "Ruperti explains this differently: '*pollex vertebatur*, h. e. *dirigebatur in pectus, quo indicabatur, ni fallor, illud gladio transfigendum esse.*'" — T.

Horat. Ep. i. 18. 66. Plin. 28. 2. s. 5.), and ordered him to receive the sword (*ferrum recipere*), which gladiators usually submitted to with amazing fortitude, Cic. Sext. 37. Tusc. ii. 17. Mil. 34. Senec. Ep. 7. 177. de Tranquil. Animi, c. 11. Const. Sap. 17. Sometimes a gladiator was rescued by the entrance of the emperor, Ovid. de Pont. ii. 8. 53., or by the will of the *Editor*.

The rewards given to the victors were a palm, Martial. de Spect. 32. Hence *plurimum palmarum gladiator*, who had frequently conquered; Cic. Rosc. Am. 6. *Alias suas palmas cognoscet*, i. e. *cædes*, ibid. 30. *Palma lemniscata*, a palm crown, with ribands (*lemnisci*) of different colours hanging from it, ibid. 35. *Festus*. *Sexta palma urbana etiam in Gladiatore difficilis*, Cic. Phil. xi. 5.—money, Suet. Claud. 21. Juvenal. vii. ult., and a rod or wooden sword (*rudis*), as a sign of their being discharged from fighting; which was granted by the *Editor*, at the desire of the people, to an old gladiator, or even to a novice, for some uncommon act of courage. Those who received it (*rude donati*) were called RUDIARI, and fixed their arms in the temple of Hercules, Horat. Ep. i. 1. Ovid. Trist. iv. 8. 24. But they sometimes were afterwards induced by a great hire (*ingente auctoramento*) again to engage, Suet. Tib. 7. Those who were dismissed on account of age or weakness, were said *delusisse*, Plin. xxxvi. 27.

The spectators expressed the same eagerness by betting (*sponsionibus*) on the different gladiators, as in the *Circus*, Suet. Tit. 8. Domit. 10. Martial. ix. 68.

Till the year 693, the people used to remain all day at an exhibition of gladiators without intermission till it was finished; but then, for the first time, they were dismissed to take dinner, Dio. xxxvii. 46., which custom was afterwards observed at all the spectacles exhibited by the emperors, ibid. et Suet. Horace calls intermissions given to gladiators in the time of fighting, or a delay of the combat, DILUDIA, -orum, Ep. i. 19. 47. & Scholiast. in loc.

Shows of gladiators (*cruenta spectacula*) were prohibited by Constantine [A. D. 325], Cod. xi. 43.; but not entirely suppressed till the time of Honorius, Prudent. contra Symmach. ii. 11. 21.\*

### III. DRAMATIC ENTERTAINMENTS.

DRAMATIC entertainments, or stage plays (*ludi scenici*), were first introduced at Rome, on account of a pestilence, to appease the divine wrath, A. U. 391, Liv. vii. 2. Before that time there had only been the games of the *Circus*. They were called LUDI SCENICI, because they were first acted in a shade (*σκιὰ*, *umbra*), formed by the branches and leaves of trees, Ovid. de Art. Am. i. 105. Serv. in Virg. Æn. i. 164., or in a tent, (*σκηνή*, *tabernaculum*). Hence afterwards the front of the theatre, where the actors stood, was called SCENA, and the actors SCENICI, Suet. Tib. 34. Cic. Planc. 11. Ver. iii. 79.; or, SCENICI ARTIFICES, Suet. Cæs. 84.

Stage-plays were borrowed from *Etruria*; whence players (*ludiones*) were called HISTRIONES, from a Tuscan word *hister*, i. e. *ludio*; for players also were sent for from that country, Liv. vii. 2.

\* Augustus forbade magistrates to give shows of gladiators above twice in one year, or of more than sixty pairs at a time.

These Tuscans did nothing at first but dance to a flute (*ad tibi-cinis modos*), without any verse or corresponding action. They did not speak, because the Romans did not understand their language, *ibid.*

The Roman youth began to imitate them at solemn festivals, especially at harvest-home, throwing out raillery against one another in unpolished verse, with gestures adapted to the sense. These verses were called VERSUS FESCENNINI, from *Fescennia*, or *-ium*, a city of Etruria, *Horat. Epist.* II. i. 145.

Afterwards, by frequent use, the entertainment was improved (*sæpius usurpando res excitata est*), and a new kind of dramatic composition was contrived, called SATYRÆ or SATURÆ, *Satires*; because they were filled with various matter, and written in various kinds of verse, in allusion to what was called LANX SATURA, a platter or charger filled with various kinds of fruits, which they yearly offered to the gods at their festivals, as the *Primitiæ*, or first gatherings of the season. Some derive the name from the petulance of the *Satyræ*.

These satires were set to music, and repeated with suitable gestures, accompanied with the flute and dancing. They had every thing that was agreeable in the Fescennine verses, without their obscenity. They contained much ridicule and smart repartee; whence those poems afterwards written to expose vice got the name of satires; as, the *satires* of Horace, of Juvenal, and Persius.

It was LIVIUS ANDRONICUS, the freedman of M. Livius Salinator, and the preceptor of his sons, who, giving up satires (*ab saturis*, i. e. *saturis relictis*), first ventured to write a regular play (*argumento fabulam serere*), A. U. 512, some say, 514; the year before Ennius was born, *Cic. Brut.* 18., above 160 years after the death of Sophocles and Euripides, and about fifty-two years after that of Menander, *Gell.* xvii. 21.

He was the actor of his own compositions, as all then were. Being obliged by the audience frequently to repeat the same part, and thus becoming hoarse (*quum vocem obtudisset*), he asked permission to employ a boy to sing to the flute, whilst he acted what was sung (*canticum agebat*), which he did with the greater animation, as he was not hindered by using his voice. Hence actors used always to have a person at hand to sing to them, and the colloquial part (*diverbia*) only was left them to repeat, *Liv.* vii. 2. It appears there was commonly a song at the end of every act, *Plaut. Pseud.* ii. ult.

Plays were afterwards greatly improved at Rome from the model of the Greeks, by NÆVIUS, ENNIUS, PLAUTUS, CÆCILIUS, TERENCE, AFRANIUS, PACUVIUS, ACCIUS, &c.

After playing was gradually converted into an art (*ludus in artem paulatim verterat*), the Roman youth, leaving regular plays to be acted by professed players, reserved to themselves the acting of ludicrous pieces or farces, interlarded with much ribaldry and buffoonery, called EXODIA, *Juvenal.* iii. 175. vi. 71. *Suet. Tib.* 45. *Domit.* 10; because they were usually introduced after the play, when the players and musicians had left the stage, to remove the painful impressions of tragic scenes, *Scholiast. in Juvenal.* iii. 175., or FABELLÆ ATELLANÆ [resembling the satiric dramas of the Greeks], *Liv.* vij. 2., or, LUDI OSCI, *Cic. Fam.* vii. 1. LUDICRUM OSCUM, *Tacit.*

*Annal.* iv. 14., from *Atella*, a town of the *Osci* in Campania, where they were first invented and very much used.

The actors of these farces (*Atellani* vel *Atellanarum actores*) retained the rights of citizens (*non tribu moti sunt*), and might serve in the army, which was not the case with common actors, who were not respected among the Romans as among the Greeks, but were held infamous, *Ulpian.* 1. 2. § 5. D. *de his qui not. infam.* — *Nep. Præfat. Suet. Tib.* 35.

Dramatic entertainments, in their improved state, were chiefly of three kinds, *Comedy*, *Tragedy*, and *Pantomimes*.

I. Comedy (COMŒDIA, *quasi κῶμης ᾠδή*, the song of the village) was a representation of common life (*quotidianæ vitæ speculum*), written in a familiar style, and usually with a happy issue. The design of it was to expose vice and folly to ridicule.

Comedy, among the Greeks, was divided into old, middle, and new. In the first, real characters and names were represented; in the second, real characters, but fictitious names; and in the third, both fictitious characters and names. *Eupolis*, *Cratinus*, and *Aristophanes* excelled in the old comedy, and *Menander* in the new, *Horat. Sat.* i. 4. *Epist.* ii. 1. 57. *Quintilian.* x. 1. Nothing was ever known at Rome but the new comedy.

The Roman comic writers, *Nævius*, *Afranius*, *Plautus*, *Cæcilius*, and *Terence*, copied from the Greek, chiefly from *MENANDER*, who is esteemed the best writer of comedies that ever existed, *Quintilian.* x. 1.; but only a few fragments of his works now remain. We may, however, judge of his excellence from *Terence*, his principal imitator.\*

Comedies, among the Romans, were distinguished by the character and dress of the persons introduced on the stage. Thus comedies were called *TOGATÆ*, in which the characters and dress were Roman, from the Roman *toga*, *Juvenal.* i. 3. *Horat. Art. Poet.* 281.; so *carmen togatum*, a poem about Roman affairs, *Stat. Silv.* ii. 7. 53. *PRÆTEXTATÆ*, vel *prætextæ*, when magistrates and persons of dignity were introduced; but some take these for tragedies, *ibid.* *TRABEATÆ*, when generals and officers were introduced, *Suet. Gramm.* 21. *TABERNARIÆ*, when the characters were of low rank, *Horat. Art. Poet.* 225. *PALLIATÆ*, when the characters were Grecian, from *pallium*, the robe of the Greeks. *MOTORIÆ*, when there were a great many striking incidents, much action, and passionate expressions. *STATARIÆ*, when there was not much bustle to stir, and little or nothing to agitate, the passions; and *MIXTÆ*, when some parts were gentle and quiet, and others the contrary, *Terent. Heaut. prol.* 36. *Donat. in Terent. Cic. Brut.* 116. The representations of the *Atellani* were called *Comædiæ Atellanæ*.

The actors of comedy wore a low-heeled shoe, called *Soccus*.†

\* From the inscriptions of *Terence's* comedies, it appears that they were performed at the *Megalesia*.

† "The actors wore masks descriptive of the characters they represented. The origin of the custom has been attributed to a celebrated tragedian, who is said to have adopted it to conceal the defect of squinting; but it was, more probably, derived from the Greeks. The interior of the mask was lined with metal, or with horn, in such manner as materially to assist the power of the voice; and it appears from an

Those who wrote a play, were said *docere vel facere fabulam* ; if it was approved, it was said *stare, stare recto talo, placere, &c.* ; if not, *cadere, exigi, exhibilari, &c.*

II. TRAGEDY is the representation of some one serious and important action, in which illustrious persons are introduced as heroes, kings, &c. written in an elevated style, and generally with an unhappy issue. The great end of tragedy was to excite the passions, chiefly pity and horror ; to inspire the love of virtue, and an abhorrence of vice, *Cic. de Orat. i. 51.* It had its name, according to Horace, from *τράγος*, a goat, and *ᾠδή*, a song ; because a goat was the prize of the person who produced the best poem, or was the best actor, *De Art. Poet. 220.*, to which Virgil alludes, *Ecl. iii. 22.* ; according to others, because such a poem was acted at the festival of Bacchus after vintage, to whom a goat was then sacrificed, as being the destroyer of the vines ; and therefore it was called, *τραγῳδία*, the goat's song. (*Primi ludi theatrales ex Liberalibus nati sunt*, from the feasts of Bacchus, *Serv. ad. Virg. G. ii. 381.*) \*

THESPIS, a native of Attica, is said to have been the inventor of tragedy, about 536 years before Christ. He went about with his actors from village to village in a cart, on which a temporary stage was erected, where they played and sung, having their faces besmeared with the lees of wine (*peruncti fœcibus ora*), *Horat. de Art. Poet. 275.*, whence, according to some, the name of Tragedy, from *τρῆξ*, -*υγός*, new wine not refined, or the lees of wine, and *ᾠδός*, a singer ; hence *τρυγῳδός*, a singer thus besmeared, who threw out scoffs and raillery against people.

Thespis was contemporary with Solon, who was a great enemy to his dramatic representations, *Plutarch. in Solone.*

Thespis was succeeded by Æschylus, who erected a permanent stage (*modicis instravit pulpita tignis*), and was the inventor of the mask (*persona*), of the long flowing robe (*palla, stola, vel syrma*), and

ancient illuminated MS. of the comedies of Terence, preserved in the royal library at Paris, that it covered the entire head. Its use was rendered in some measure necessary by the vast size of the roofless theatres, in which, without some such assistance, the actors must have been inaudible to the greater part of the audience ; and yet, as it must have been destructive of that great charm of superior acting — the expression of the countenance — it is difficult to imagine how eminent performers could, while so disguised, have acquired the reputation they enjoyed. We may, therefore, be allowed to suppose, that the idea of its having been employed on all occasions is erroneous, and partly to be attributed to a custom which prevailed, of prefixing to the title of the pieces the figure of the mask, together with the *dramatis personæ*, which was, perhaps, intended more as an indication of the character to the reader, than as a representation of what was actually exhibited on the stage. However this may be, it is certain that they were generally used, at least by inferior actors ; and as the female characters were performed by men, they then contributed to heighten the illusion. In such pieces, too, as the *Mencœchmi* of Plautus — from which Shakspeare's Comedy of Errors is taken — in which the intricacy of the plot turns on the mistake of one person for another, the use of masks would contribute to give an air of greater probability to the incidents." — *Sketches of the Institutions, &c. of the Romans*, p. 241. The first rude construction of the mask is alluded to by Virgil, *Geo. ii. 387.* : — *Oraque corticibus sumunt horrenda cavatis.* To the performance of female characters by male actors, particularly Greeks, Juvenal alludes, *iii. 95.* : — *Mulier nempe ipsa videtur, non persona loqui.*

\* On this subject, consult a work entitled "The Theatre of the Greeks."



of the high-heeled shoe or buskin (*cothurnus*), which tragedians wore : whence these words are put for a tragic style, or for tragedy itself, *Virg. Ecl.* viii. 10. *Juvenal.* viii. 229. xv. 30. *Martial.* iii. 20. iv. 49. v. 5. viii. 3. *Horat. Od.* ii. 1. 12., as *soccus* is put for a comedy or a familiar style, *Id. Epist.* ii. 174. *Art. Poet.* 80. 90. *Nec comædia in cothurnos assurgit, nec contra tragædia socco ingreditur*, Quinctilian. x. 2. 22.

As the ancients did not wear breeches, the players always wore under the tunic a girdle or covering [drawers] (*SUBLIGACULUM* vel *SUBLIGAR* *verecundiæ causâ*), *Cic. Off.* i. 35. *Juvenal.* vi. 60. *Martial.* iii. 87.

After Æschylus followed SOPHOCLES and EURIPIDES, who brought tragedy to the highest perfection. In their time comedy began first to be considered as a distinct composition from tragedy ; but at Rome comedy was long cultivated, before any attempt was made to compose tragedies. Nor have we any Roman tragedies extant, except a few which bear the name of Seneca. Nothing remains of the works of Ennius, Pacuvius, Accius, &c. but a few fragments.

Every regular play, at least among the Romans, was divided into five acts, *Horat. Art. Poet.* 189.; the subdivision into scenes is thought to be a modern invention.

Between the acts of a tragedy were introduced a number of singers, called the CHORUS, *Horat. de Art. Poet.* 193., who indeed appear to have been always present on the stage. The chief of them, who spoke for the rest, was called *Choragus* or *Coryphæus*. But CHORAGUS is usually put for the person who furnished the dresses, and took care of all the apparatus of the stage, *Plaut. Pers.* i. 3. 79. *Trinumm.* iv. 2. 16. *Suet. Aug.* 70., and *choragium* for the apparatus itself (*instrumentum scenarum*, *Fest.*) *Plaut. Capt. prol.* 61. *Plin.* xxxvi. 15., *choragia* for *choragi*, *Vitruv.* v. 9.; hence *falsæ choragium gloriæ*, something that one may boast of, *Cic. ad Herenn.* iv. 50.

The *Chorus* was introduced in the ancient comedy, as we see from Aristophanes ; but when its excessive licence was suppressed by law, the *Chorus* likewise was silenced, *Horat. Art. Poet.* 283. A *Choragus* appears and makes a speech, *Plaut. Curc.* iv. 1.

The music chiefly used was that of the flute, which at first was small and simple, and of few holes, *Horat. Art. Poet.* 202.; but afterwards it was bound with brass, had more notes and a louder sound.

Some flutes were double, and of various forms. Those most frequently mentioned, are the *Tibiæ dextræ* and *sinistræ*, *pares* and *impares*, which have occasioned so much disputation among critics, and still appear not to be sufficiently ascertained. The most probable opinion is, that the double flute consisted of two tubes, which were so joined together as to have but one mouth, and so were both blown at once. That which the musician played on with his right hand was called *tibia dextra*, the right-handed flute ; with his left, *tibia sinistra*, the left handed flute. The latter had but few holes, and sounded a deep serious bass ; the other had more holes, and a sharper and more lively tone, *Plin.* xvi. 36. s. 66. *Varr. R. R.* 1, 2. 15. When two right or two left handed flutes were joined together, they were called *tibiæ pares dextræ*, or *tibiæ pares sinistrae*. The flutes of different sorts were called *tibiæ impares* or *tibiæ dextræ et sinistrae*. The right-handed flutes were the same with what were called the Lydian flutes



(*Tibia Lydiæ*), and the left-handed with the Tyrian flutes (*Tibia Tyriæ* or *Sarranæ*, vel *Serranæ*). Hence Virgil, *Biforem dat tibia cantum*, i. e. *bisonum, imparem*, *Æn.* ix. 618. Sometimes the flute was crooked, *Virg. Æn.* vii. 737. *Ovid. Met.* iii. 532., and is then called *Tibia Phrygia* or *cornu*, *Id. de Pont.* I. i. 32. *Fast.* iv. 181.

III. PANTOMIMES were representations by dumb-show, in which the actors, who were called by the same name with their performances (*Mimi* vel *Pantomimi*), expressed every thing by their dancing and gestures, without speaking (*loquaci manus*; hence called also *Chironōmi*), *Juvenal.* xiii. 110. vi. 63. *Ovid. Trist.* ii. 515. *Martial.* iii. 86. *Horat.* i. 18. 13. ii. 2. 125. *Manil.* v. 474. *Suet. Ner.* 54. But *Pantomimi* is always put for the actors, who were likewise called *Planipēdes*, because they were without shoes (*excalceati*), *Senec. Epist.* 8. *Quintilian.* v. 11. *Juvenal.* viii. 191. *Gell.* i. 11. They wore, however, a kind of wooden or iron sandals, called *SCABILLA* or *Scabella*, which made a rattling noise when they danced, *Cic. Cæl.* 27. *Suet. Cal.* 54.

The Pantomimes are said to have been the invention of Augustus; for before his time the *Mimi* both spoke and acted.

MIMUS is put both for the actor and for what he acted, *Cic. Cæl.* 57. *Verr.* iii. 36. *Rabir. Post.* 12. *Phil.* ii. 27., not only on the stage, but elsewhere, *Suet. Cæs.* 39. *Ner.* 4. *Oth.* 3. *Calig.* 45. *Aug.* 45. 100. *Sen. Ep.* 80. *Juvenal.* viii. 198.

The most celebrated composers of mimical performances or farces (*mimogrāphi*) were Laberius and Publius Syrus, in the time of Julius Cæsar, *Suet. Jul.* 39. *Horat. Sat.* i. 10. 6. *Gell.* xvii. 14. The most famous Pantomimes under Augustus were Pylades, and Bathyllus the favourite of Mæcenas, *Tacit. Annal.* i. 54. He is called by the Scholiast on Persius, v. 123., his freedman (*libertus Mæcenatis*); and by Juvenal, *mollis*, vi. 63. Between them there was a constant emulation. Pylades being once reproved by Augustus on this account, replied, "It is expedient for you that the attention of the people should be engaged about us." Pylades was the great favourite of the public. He was once banished by the power of the opposite party, but soon afterwards restored, *Dio.* liv. 17. *Macrob. Sat.* ii. 7. The factions of the different players, *Senec. Ep.* 47. *Nat. Q.* vii. 32. *Petron.* 5., sometimes carried their discords to such a length, that they terminated in bloodshed, [whence many were banished in the reign of Tiberius,] *Suet. Tib.* 37.

The Romans had rope-dancers (FUNAMBŪLI, *Schænobātæ* vel *Neurobātæ*), who used to be introduced in the time of the play, *Ter. Hec. Prol.* 4. 34. *Juvenal.* iii. 77., and persons who seemed to fly in the air (PETAURISTÆ), who darted (*jactabant* vel *excutebant*) their bodies from a machine called *Petaurum*, vel *-us*, *Festus*, *Juvenal.* xiv. 265. *Manil.* iii. 438. *Martial.* ii. 86.; also interludes or musical entertainments, called EMBOLIA, *Cic. Sext.* 54., or ACROAMATA; but this last word is usually put for the actors, musicians, or repeaters themselves, who were also employed at private entertainments, *Cic. ibid. Verr.* iv. 22. *Arch.* 9. *Suet. Aug.* 77. *Macrob. Sat.* ii. 4. *Nep. Att.* 14.

The plays were often interrupted likewise by the people calling out for various shows to be exhibited; as the representation of battles,

triumphal processions, gladiators, uncommon animals, and wild beasts, &c. The noise which the people made on these occasions is compared by Horace to the raging of the sea, *Epist.* II. i. 185, &c. In like manner, their approbation (*plausus*), and disapprobation (*sibilus*, *strepitus*, *fremitus*, *clamor*, *tonitruum*, *Cic. Fam.* viii. 2., *fistula pastoritia*, *Att.* 16.), which at all times were so much regarded, *Cic. Pis.* 27. *Sext.* 54, 55, 56, &c. *Horat. Od.* i. 20. ii. 17.

Those who acted the principal parts of a play were called *Actores primarum partium*; the second, *secundarum partium* [*Hor. Sat.* i. 9. 46.]; the third, *tertiarum*, &c., *Ter. Phorm.* prol. 28. *Cic. in Cæcil.* 15. & *Ascon.* in loc.

The actors were applauded or hissed as they performed their parts, or pleased the spectators, *Quinctilian.* vi. 1. *Cic. Rosc. Com.* 2. *Att.* i. 3. 16. When the play was ended, an actor always said *PLAUDITE*, *Terent.* &c.

The actors who were most approved received crowns, &c. as at other games; at first composed of leaves or flowers, tied round the head with strings called *STRUPPI*, *strophia*, v. -iōla, *Festus*, *Plin.* xxi. 1. afterwards of thin plates of brass gilt (*e lamina æreâ tenui inauratâ aut inargentatâ*), called *COROLLÆ* or *corollaria*; first made by Crassus of gold and silver, *Plin.* xxi. 2, 3. Hence *COROLLARIUM*, a reward given to players over and above their just hire (*additum præterquam quod debitum est*), *Varro de Lat. Ling.* iv. 36. *Plin. Ep.* vii. 24. *Cic. Verr.* iii. 79. iv. 22. *Suet. Aug.* 45., or any thing given above what was promised, *Cic. Verr.* iii. 50. *Plin.* ix. 35. s. 57. The Emperor M. Antoninus ordained that players should receive from five to ten gold pieces (*aurei*), [about eight guineas] but not more, *Capitolin.* 11.

The place where dramatic representations were exhibited was called *THEATRUM*, a theatre (*α θεάομαι*, *video*). In ancient times the people viewed the entertainments standing; hence *stantes* for spectators, *Cic. Amic.* 7.; and A. U. 599, a decree of the senate was made, prohibiting any one to make seats for that purpose in the city, or within a mile of it. At the same time a theatre, which was building, was, by the appointment of the censors, ordered to be pulled down, as a thing hurtful to good morals (*nociturum publicis moribus*), *Liv. Epit.* xlviii. *Valer. Max.* ii. 4. 3.

Afterwards temporary theatres were occasionally erected. The most splendid was that of M. Æmilius Scaurus, when ædile, which contained 80,000 persons, and was adorned with amazing magnificence, and at an incredible expense, *Plin.* xxxvi. 15. s. 24. 8.

Curio, the partisan of Cæsar, at the funeral exhibition in honour of his father (*funebri patris munere*), made two large theatres of wood, adjoining to one another, suspended each on hinges, *cardinum singulorum versatili suspensa libramento*, and looking opposite ways (*inter se aversa*), so that the scenes should not disturb each other by their noise (*ne invicem obstreperent*); in both of which he acted stage plays in the former part of the day; then having suddenly wheeled them round, so that they stood over-against one another, and thus formed an amphitheatre, he exhibited shows of gladiators in the afternoon, *Plin.* xxxvi. 15.

Pompey first reared a theatre of hewn stone in his second consul

ship, which contained 40,000; but that he might not incur the animadversion of the censors, he dedicated it as a temple to Venus, *Suet. Claud.* 21. *Tertullian. de Spect.* 10. *Plin.* viii. 7. *Dio.* xxxix. 38. *Tacit.* xiv. 19.\* There were afterwards several theatres, and in particular those of Marcellus, *Dio.* xliii. 49., and of Balbus, near that of Pompey, *Ovid. Trist.* iii. 12, 13. *Amor.* ii. 7. 3., hence called *tria theatra*, the three theatres, *Suet. Aug.* 45. *Ovid. Art.* iii. 394. *Trist.* iii. 12. 24.

Theatres at first were open at top; and, in excessive heat or rain, coverings were drawn over them, as over the amphitheatre, *Plin.* xix. 1. s. 6. xxxvi. 15. s. 24. *Lucret.* iv. 73. vi. 108., but in later times they were roofed, *Stat. Sylv.* iii. 5. 91.

Among the Greeks, public assemblies were held in the theatre, *Cic. Flacc.* 7. *Tacit. Hist.* ii. 80. *Senec. Epist.* 108. And among the Romans it was usual to scourge malefactors on the stage, *Suet. Aug.* 47. This the Greeks called *θεατρῆσιν* et *παράδειγματῆσιν*.

The theatre was of an oblong semicircular form, like the half of an amphitheatre, *Plin.* xxxvi. 16. The benches or seats (*gradus* vel *cunei*) rose above one another, and were distributed to the different orders in the same manner as in the amphitheatre. The foremost rows next the stage, called *Orchestra*, were assigned to the senators and ambassadors of foreign states; fourteen rows behind them to the *equites*, and the rest to the people, *Suet. Aug.* 44. The whole was called CAVEA. The foremost rows were called *Cavea prima*, or *ima*; the last, *cavea ultima* or *summa*, *Cic. Senect.* 14.; the middle, *cavea media*, *Suet. ibid.*

The parts of the theatre allotted to the performers were called *Scena*, *Postscenium*, *Proscenium*, *Pulpitum*, and *Orchestra*.

1. SCENA, the scene, was adorned with columns, statues, and pictures of various kinds, according to the nature of the plays exhibited, *Vitruv.* v. 8., to which Virgil alludes, *Æn.* i. 166. 432. The ornaments sometimes were inconceivably magnificent, *Valer. Max.* ii. 4. 6. *Plin.* xxxvi. 15. s. 24.

When the scene was suddenly changed by certain machines, it was called SCENA VERSATILIS; when it was drawn aside, SCENA DUCTILIS, *Serv. ad Virg. G.* iii. 24.

The scenery was concealed by a curtain (AULÆUM vel *Siparium*, oftener plural *-a*), which, contrary to the modern custom, was dropt (*premebatur*) or drawn down, as among us the blinds of a carriage, when the play began, and raised (*tollebatur*) or drawn up when the play was over; sometimes also between the acts, *Horat. Ep.* ii. 1. 189. *Art. Poet.* 154. *Ovid. Met.* iii. 111. *Juvenal.* vi. 166. The machine by which this was done was called EXOSTRA, *Civ. Prov. Cons.* 6. Curtains and hangings of tapestry were also used in private houses, *Virg. Æn.* i. 701. *Horat. Od.* iii. 29. 15. *Sat.* ii. 8. 54., called *Aulæa*

\* "The plan of Pompey's theatre was taken from that of Mitylene. It was surrounded by a portico, to shelter the company in bad weather, and had a Curia or Senate-house annexed to it; with a basilica also, or grand hall, proper for the sittings of judges, or any other public business; which were all adorned with a great number of images formed by the ablest masters. There was a beautiful temple erected at one end of it to Venus the conqueress, and so contrived that the seats of the theatre might serve as stairs to the temple. *A. Gell.* x. 1." — Middleton's Life of Cic. i. 383.

*Attalica*, because said to have been first invented at the court of Attalus, king of Pergamus, in Asia Minor, *Propert.* ii. 23. 46. *Serv. in Virg. Æn.* i. 701.

2. POSTSCENIUM, the place behind the scene, where the actors dressed and undressed; and where those things were supposed to be done which could not with propriety be exhibited on the stage, *Horat. de Art. P.* 182. *Lucret.* iv. 1178.

3. PROSCENIUM, the place before the scene, where the actors appeared.

The place where the actors recited their parts was called PULPITUM; and the place where they danced, ORCHESTRA, which was about five feet lower than the *Pulpitum*, *Vitruv.* v. 6. Hence *Ludibria scená et pulpito digna*, buffooneries fit only for the stage, *Plin. Ep.* iv. 25.

## MILITARY AFFAIRS OF THE ROMANS.

### I. LEVYING OF SOLDIERS.

THE Romans were a nation of warriors. Every citizen was obliged to enlist as a soldier when the public service required, from the age of seventeen to forty-six; nor at first could any one enjoy an office in the city who had not served ten campaigns, *Polyb.* vi. 17. Every foot soldier was obliged to serve twenty campaigns, and every horseman ten. At first none of the lowest class [the *proletarii*] were enlisted as soldiers, nor freedmen, unless in dangerous junctures, *Liv.* x. 21. xxii. 11. 57. But this was afterwards altered by Marius, *Sallust. Jug.* 86. *Gell.* xvi. 10.

The Romans, during the existence of their republic, were almost always engaged in wars; first with the different states of Italy for near 500 years, and then for about 200 years more in subduing the various countries which composed that immense empire.

The Romans never carried on any war without solemnly proclaiming it. This was done by a set of priests called *FECIALES*.

When the Romans thought themselves injured by any nation, they sent one or more of these *Feciales* to demand redress (*ad res repetendas*), *Liv.* iv. 30. xxxviii. 45. *Varr. L. L.* iv. 15. *Dionys.* ii. 72.; and if it was not immediately given, thirty-three days were granted to consider the matter, after which, war might be justly declared. Then the *Feciales* again went to their confines, and having thrown a bloody spear into them, formally declared war against that nation, *Liv.* i. 32. The form of words which he pronounced before he threw the spear was called CLARIGATIO (*a clará voce quâ utebatur*), *Serv. in Virg. Æn.* ix. 52. x. 14. *Plin.* xxii. 2. Afterwards, when the empire was enlarged, and wars carried on with distant nations, this ceremony was performed in a certain field near the city, which was called *AGER HOSTILIS*, *Ovid. Fast.* vi. 205. Thus Augustus declared war professedly against Cleopatra, but in reality against Antony, *Dio.* l. 4. So Marcus Antoninus, before he set out to the war against the Scythians, shot a bloody spear from the temple of Bellona into the *ager hostilis*, *Dio.* lxxi. 53.\*

\* In an area before the temple was a pillar, over which the spear was cast, when war was declared. *Ovid. Fast.* vi. 205.

In the first ages of the republic, four legions for the most part were annually raised, two to each consul; for two legions composed a consular army. But oftener a greater number was raised; ten, *Liv.* ii. 30. vii. 35.; eighteen, xxiv. 11.; twenty, xxx. 2.; twenty-one, xxvi. 28. xxvii. 24.; twenty-three, xx. 1. xxviii. 38.\* Under Tiberius twenty-five, even in time of peace, besides the troops in Italy, and the forces of the allies, *Tacit. Annal.* iv. 5.; under Adrian thirty, *Spartian.* 15. In the 529th year of the city, upon a report of a Gallic tumult, Italy alone is said to have armed 80,000 cavalry, and 700,000 foot, *Plin.* iii. 20. s. 24. But in after-times, when the lands were cultivated chiefly by slaves, *Liv.* vi. 12., it was not so easy to procure soldiers. Hence, after the destruction of Quintilius Varus and his army in Germany, A. U. 763, Augustus could not raise forces even to defend Italy and Rome, which he was afraid the Germans and Gauls would attack, without using the greatest rigour, *Dio.* lvi. 23.

The consuls, after they entered on their office, appointed a day (*diem edicebant*, vel *indicebant*), on which all those who were of the military age should be present in the Capitol, *Liv.* xxvi. 31. *Polyb.* vi. 17.

On the day appointed, the consuls, seated in their curule chairs, held a levy (*delectum habebant*), by the assistance of the military or legionary tribunes, unless hindered by the tribunes of the commons, *Liv.* iii. 51. iv. 1. It was determined by lot in what manner the tribes should be called.

The consuls ordered such as they pleased to be cited out of each tribe, and every one was obliged to answer to his name under a severe penalty, *Liv.* iii. 11. 41. *Gell.* xi. 5. *Valer. Max.* vi. 3, 4. They were careful to choose (*legere*) those first, who had what were thought lucky names (*bona nomina*), as *Valerius*, *Salvius*, *Statorius*, &c. *Cic. Divin.* i. 45. *Festus in voce* LACUS LUCRINUS. Their names were written down on tables; hence *scribere*, to enlist, to levy or raise.

In certain wars, and under certain commanders, there was the greatest alacrity to enlist (*nomina dare*), *Liv.* x. 25. xlii. 32., but this was not always the case. Sometimes compulsion (*coërcitio*) was requisite; and those who refused (*REFRACTarii*, *qui militiam detrectabant*) were forced to enlist (*sacramento adacti*) by fines and corporal punishment (*damno et virgis*), *Liv.* iv. 53. vii. 4. Sometimes they were thrown into prison, *ibid.* & *Dionys.* vii. or sold as slaves, *Cic. Cæcin.* 34. Some cut off their thumbs or fingers to render themselves unfit for service: hence *pollice trunci*, poltroons. But this did not screen them from punishment, *Suet. Aug.* 24. *Valer. Max.* vi. 3. 3. On one occasion, Augustus put some of the most refractory to death, *Dio.* lvi. 23.

There were, however, several just causes of exemption from military service (*vacationis militiæ* vel *a militiâ*), of which the chief were, Age (*ætas*), if above fifty, *Liv.* xlii. 33, 34. Disease or infirmity (*morbis vel vitium*), *Suet. Aug.* 24. Office (*honor*), being a magistrate or priest, *Plutarch. in Camill. vers. fin.* Favour or indulgence (*bene-*

\* At the battle of Pharsalia, the joint forces of Cæsar and Pompey amounted to eighteen legions.

*ficium*), granted by the senate or people, *Cic. Phil. v. 19. de Nat. D. ii. 2. Liv. xxxix. 19.* \*

Those also were excused who had served out their time (*EMERITI, qui stipendia expleviscent, vel DEFUNCTI, Ovid. Amor. ii. 9. 24.*). Such as claimed this exemption, applied to the tribunes of the commons, *Liv. ii. 55.*, who judged of the justice of their claims (*causas cognoscebant*), and interposed in their behalf or not, as they judged proper.

But this was sometimes forbidden by a decree of the senate, *Liv. xxxiv. 56.* And the tribunes themselves sometimes referred the matter to the consuls, *Liv. xlii. 32, 33, &c.*

In sudden emergencies, or in dangerous wars, as a war in Italy, or against the Gauls, which was called TUMULTUS (*quasi timor multus, vel a tumeo*), *Cic. Phil. v. 31. viii. 1. Quintilian. vii. 3.*, no regard was had to these excuses (*delectus sine vacationibus habitus est*), *Liv. vii. 11. 28. viii. 20. x. 21.* Two flags were displayed (*vexilla sublata vel prolata sunt*) from the Capitol; the one red (*roseum*) to summon the infantry (*ad pedites evocandos*); and the other green (*cæruleum*), to summon the cavalry, *Serv. in Virg. Æn. viii. 4.*

On such occasions, as there was no time to go through the usual forms, the consul said, QUI REMPUBLICAM SALVAM ESSE VULT, ME SEQUATUR. This was called CONJURATIO, or *evocatio*, and men thus raised, CONJURATI, *Liv. xxii. 38. Cæs. de Bell. G. vii. 1.*, who were not considered as regular soldiers, *Liv. xlv. 2.*

Soldiers raised upon a sudden alarm (*in tumultu; Nam, TUMULTUS nonnunquam levior quam bellum, Liv. ii. 26.*) were called SUBITARI, (*ita repentina auxilia appellabant*), *Liv. iii. 4. 30.*, or TUMULTUARI, *Liv. i. 37. xxxv. 2.*, not only at Rome, but also in the provinces, *ibid. & xl. 26.*, when the sickly or infirm were forced to enlist, who were called CAUSARI, *Liv. vi. 6.* If slaves were found to have obtruded themselves into the service (*inter tirones*), they were sometimes punished capitally (*in eos animadversum est*), *Plin. Ep. x. 38, 39.*

The cavalry were chosen from the body of the *Equites*, and each had a horse, and money to support it, given by the public, *Liv. i. 43.*

On extraordinary occasions, some *Equites* served on their own horses, *Liv. 7.* But that was not usually done; nor were there, as some have thought, any horse in the Roman army, but from the *Equites*, till the time of Marius, who made a great alteration in the military system of the Romans in this, as well as in other respects.

After that period, the cavalry was composed not merely of Roman *Equites*, as formerly, but of horsemen raised from Italy, and the other provinces; and the infantry consisted chiefly of the poorer citizens, or of mercenary soldiers, which is justly reckoned one of the chief causes of the ruin of the republic.

After the levy was completed, one soldier was chosen to repeat over the words of the military oath (*qui reliquis verba sacramenti præiret*), and the rest swore after him (*in verba ejus jurabant*). Every one as he passed along said, IDEM IN ME, *Festus in PRÆJURATIONES, Liv. ii. 45. Polyb. vi. 19.*

\* In the relaxed state of military discipline under the later emperors, temporary exemptions from duty were purchased by the soldiers of the centurions. *Tac. Hist. i. 46.*



The form of the oath does not seem to have been always the same. The substance of it was, that they would obey their commander, and not desert their standards, &c., *Liv.* iii. 20. xxi. 38. *Gell.* xvi. 4. Sometimes those below seventeen were obliged to take the military oath (*sacramento vel -um dicere*), *Liv.* xxii. 57. xxv. 5.

Without this oath no one could justly fight with the enemy, *Cic. Off.* i. 11. Hence *sacramenta* is put for a military life, *Juvenal.* xvi. 35. Livy says, that it was first legally exacted in the second Punic war, xxii. 38., where he seems to make a distinction between the oath (SACRAMENTUM) which formerly was taken voluntarily, when the troops were embodied, and each *decuria* of cavalry, and *century* of foot, swore among themselves (*inter se equites decuriati, pedites centuriati conjurabant*), to act like good soldiers (*sese fugæ ac formidinis ergo non abituros, neque ex ordine recessuros*), and the oath (JUSJURANDUM) which was exacted by the military tribunes after the levy, (*ex voluntario inter ipsos fœdere a tribunis ad legitimam jurisjurandi actionem translatus*), *ibid.*

On occasion of a mutiny, the military oath was taken anew, *Liv.* xxviii. 29.

Under the emperors, the name of the prince was inserted in the military oath, *Tacit. Hist.* iv. 31., and this oath used to be renewed every year on their birth-day, *Plin. Ep.* x. 60., by the soldiers and the people in the provinces, *Id. Pan.* 68., also on the kalends of January, *Suet. Galb.* 16. *Tacit. Annal.* xvi. 22. *Hist.* i. 12.

On certain occasions, persons were sent up and down the country to raise soldiers, called CONQUISITORES, and the force used for that purpose, COERCITIO vel *Conquisitio*, a press or impress, *Liv.* xxi. 11. xxiii. 32. *Cic. de Prov. Cons.* 2. *Att.* vii. 21. *Hist. de Bell. Alex.* 2. Sometimes particular commissioners (*triumviri*) were appointed for that purpose, *Liv.* xxv. 5.

Veteran soldiers who had served out their time (*homines meritis stipendiis*), were often induced again to enlist, who were then called EVOCATI, *Liv.* xxxvii. 4. *Cic. Fam.* iii. 7. *Cæs. Bell. Civ.* iii. 53. *Sallust. Jug.* 84. *Dio.* xlv. 12. Galba gave this name to a body of *Equites*, whom he appointed to guard his person, *Suet. Galb.* 10. [*Tac. Hist.* i. 41. 46.] The *Evocati* were exempted from all the drudgery of military service, (*cæterorum immunes, nisi propulsandi hostis*), *Tacit. Annal.* i. 36. [ii. 68.]

After Latium and the states of Italy were subdued, or admitted into alliance, they always furnished at least an equal number of infantry with the Romans, and the double of cavalry, *Liv.* viii. 8. xxii. 36., sometimes more. (See p. 64.) The consuls, when about to make a levy, sent them notice what number of troops they required, (*ad socios Latinumque nomen ad milites ex formulâ accipiendos mittunt, arma, tela, alia parari jubent*, *Liv.* xxii. 57.), and at the same time appointed the day and place of assembling (*quo convenirent*), *Liv.* xxxiv. 56. xxxvii. 4.

The forces of the allies seem to have been raised (*scripti vel conscripti*), much in the same manner with those of the Romans. They were paid by their own states, *Liv.* xxvii. 9. 11., and received nothing from the Romans but corn; on which account they had a paymaster (*Quæstor*) of their own, *Polyb.* vi. But when all the Italians were

admitted into the freedom of the city, their forces were incorporated with those of the republic.

The troops sent by foreign kings and states were called auxiliaries (AUXILIARES *milites* vel AUXILIA, ab *augeo*, Cic. Att. vi. 5. Varr. & Fest.). They usually received pay and clothing from the republic, although they sometimes were supported by those who sent them.

The first mercenary soldiers in the Roman army are said to have been the Celtiberians in Spain, A. U. 539, *Liv.* xxiv. 49. But those must have been different from the auxiliaries, who are often mentioned before that time, *Liv.* xxi. 46. 48. 55, 56. xxii. 22.

Under the emperors, the Roman armies were in a great measure composed of foreigners; and the provinces saw with regret the flower of their youth carried off for that purpose, *Tacit. Hist.* iv. 14. *Agric.* 31. Each district was obliged to furnish a certain number of men, in proportion to its extent and opulence.

## II. DIVISION OF THE TROOPS IN THE ROMAN ARMY; THEIR ARMS, OFFICERS, AND DRESS.

AFTER the levy was completed, and the military oath administered, the troops were formed into legions, (LEGIO a *legendo*, *quia milites in delectu* legebantur, *Varro L. L.* iv. 16., which word is sometimes put for an army, *Liv.* ii. 26, &c. *Sallust. Jug.* 79.)

Each legion was divided into ten cohorts, each cohort into three *maniples*, and each *maniple* into two centuries, MANIPULUS, *ex manipulo vel fasciculo fœni, hastæ, vel perticæ longæ alligato, quem pro signo primum gerebat*, *Ovid. Fast.* iii. 117. So that there were thirty maniples, and sixty centuries in a legion, *Gell.* xvi. 4.; and if there had always been 100 men in each *century*, as its name imports, the legion would have consisted of 6000 men. But this was not the case.\*

The number of men in a legion was different at different times, *Liv.* vii. 25. viii. 8. xxvi. 28. xxix. 24. xlii. 31. xliii. 12. *Cæs. B. C.* iii. 106. *B. Al.* 69. In the time of Polybius it was 4200.†

There were usually 300 cavalry joined to each legion, called JUSTUS EQUITATUS, or ALA, *ibid.* & *Liv.* iii. 62. They were divided into ten *turmæ* or troops; and each *turma* into three *decuriæ*, or bodies of ten men.

The different kinds of infantry which composed the legion were three, the *Hastati*, *Principes*, and *Triarii*.

\* "In the original legion, it consisted of thirty men, one from each tribe. Hence the practice of drawing up in file, ten deep." — *Nieb.* i. p. 409. "The passage in *Livy* viii. 8., shows that the maniple consisted of sixty men and two centuries; for it had two centurions." — ii. p. 25.

† The proportions were:—1200 *Hastati*, 1200 *Principes*, 1200 *Velites*, 600 *Triarii*, and 300 Cavalry or Equites. "About the year of Rome 412, a legion was composed of 5000 foot, which was the number during *Cæsar's* wars with the Gauls; under *Augustus*, each legion consisted of 6100 foot, and 726 horse. After his death, they were reduced to 5000 foot, and 700 horse. Under *Tiberius*, the legion was raised again to 6000 foot and 600 horse. In the time of *Septimius Severus*, it was composed of 5000 men; under the following emperor, it was the same as it had been under *Augustus*." — *Anton.*

The HASTATI were so called, because they first fought with long spears (*hasta*), which were afterwards laid aside as inconvenient. *Varro de Lat. Ling.* iv. 16. They consisted of young men in the flower of life, and formed the first line in battle, *Liv.* viii. 8.

The PRINCIPES were men of middle age, in the vigour of life: they occupied the second line. Anciently they seem to have been posted first; whence their name, *ibid.*

The TRIARII were old soldiers of approved valour, who formed the *third* line; whence their name, *Dionys.* viii. 86. They were also called PILANI, from the *Pilum* or javelin which they used\*; and the *Hastati* and *Principes* who stood before them, ANTEPILANI.†

There was a fourth kind of troops called VELITES, from their swiftness and agility (a *volando vel velocitate*), the light-armed soldiers (*militēs levis armaturæ, vel expediti, vel levis armatura*), first instituted in the second Punic war, *Liv.* xxvi. 4. These did not form a part of the legion‡, and had no certain post assigned them; but fought in scattered parties where occasion required, usually before the lines. To them were joined the slingers and archers, (FUNDITORES, *Baleares, Achæi, &c.*) *Liv.* xxi. 21. xxviii. 37. xxxviii. 29. 31. SAGITTARII, *Cretenses, Arabes, &c.*, *Liv.* xxxvii. 40. xlii. 35.

The light-armed troops were anciently called *Ferentarii* [*Tac. Ann.* xii. 35.]; *Rorarii* (*quòd antè rorat quàm phat*, *Varr. L. L.* vi. 3.); and, according to some, *Accensi*. Others make the *Accensi* supernumerary soldiers, who attended the army to supply the place of those legionary soldiers who died or were slain. [See *Nieb.* i. p. 318.] *Festus in* *Accensi et Adscriptitii*, *Varro, ibid.* In the mean time, however, they were ranked among the light-armed troops. These were formed into distinct companies (*expediti manipuli et expeditæ cohortes*), and are sometimes opposed to the legionary cohorts, *Sallust. Jug.* 46. 90. 100.

The soldiers were often denominated, especially under the emperors, from the number of the legion in which they were; thus, *Primani*, the soldiers of the first legion; *Secundani*, *Tertiani*, *Quar-*

\* The *Pilum* was five feet and a half in length, and pointed with a three-square head of steel, nine inches long.

† “The plebeians, and they alone, were obliged to serve in the army, and of these only the three upper classes were heavy-armed. The phalanx, that battle array of the ancient Greeks, was originally the form of the Roman tactics also. There is ground for suspecting that Camillus was the inventor who transformed that inanimate mass, and organised it into the living body of a Roman legion. In the great war with the Latins, the Romans still served according to the classes, but no longer in a phalanx. The first class sent forty centuries, the exact number of the junior votes in it; thirty of these formed the principes, ten were stationed among the triarians, who must doubtless have owed their name to their being made up out of all the three heavy-armed classes. The second and third in like manner furnished forty centuries, twenty a-piece, double the number of their junior votes; ten of each score made up the hastates who bore shields, and ten stood among the triarians. The fourth and fifth class again supplied forty centuries: the former ten, the hastates, who carried javelins and had no shields; the latter, the thirty centuries of the rorarians, which again was double the number of its junior votes. Here we have three divisions, each of 1200 men: the first of hoplites in full armour; the second, in half armour; the third, without any armour, the *ψαλοί*.” — *Nieb.* i. p. 417.

‡ On the contrary, from the statement of Niebuhr, it will appear that the Velites, Rorarii, Ferentarii, or Accensi, constituted an integral part of the legion; they are not to be confounded with the Funditores and Sagittarii, who were merely *auxilia*.

*tani, Quintani, Decimani, Tertiadecimani, Vicesimani, Duodevicesimani, Duo et vicesimani, &c.*, Tacit. Hist. iv. 36, 37. iii. 27. v. 1. Suet. Jul. 70.

The *Velites* were equipped with *bows, slings*, seven javelins or spears with slender points like arrows, so that when thrown they bent and could not easily be returned by the enemy, *quorum telum inhabile ad remittendum imperitis est*, Liv. xxiv. 34., a Spanish sword having both edge and point [to cut or thrust] (*quo cæsim et punctim petebant*, Liv.), a round buckler (PARMA) about three feet in diameter, made of wood and covered with leather; and a helmet or casque for the head (GALEA vel *Galêrus*), generally made of the skin of some wild beast, to appear the more terrible, Polyb. vi. 20.

The arms of the *Hastati, Principes*, and *Triarii*, both defensive (*arma ad tegendum*) and offensive (*tela ad petendum*), were in a great measure the same, Polyb. vi. 20. 22.

— 1. An oblong shield (SCUTUM), with an iron boss (UMBO) jutting out in the middle [very serviceable to cause stones and darts to glance off, or to press violently against the enemy], four feet long and two feet and a half broad, made of wood [fig-tree or willow], joined together with little plates of iron, and the whole covered with a bull's hide: sometimes a round shield (CLYPEUS) of a smaller size.\*

— 2. A head-piece (GALEA vel *Cassis* v. *-ida*) of brass or iron, coming down to the shoulders, but leaving the face uncovered, Flor. iv. 2., whence the command of Cæsar at the battle of Pharsalia, which in a great measure determined the fortune of the day, FACIEM FERI, MILES, Flor. iv. 2. Pompey's cavalry being chiefly composed of young men of rank, who were as much afraid of having their visages disfigured as of death. Upon the top of the helmet was the crest (CRISTA), adorned with plumes of feathers of various colours.

— 3. A coat of mail [or *cuirass*] (LORICA), generally made of leather covered with plates of iron in the form of scales, or iron rings twisted within one another like chains (*hamis conserta*) [Virg. Æn. iii. 467.]. Instead of the coat of mail, most used only a plate of brass on the breast (*thorax vel pectorale*).†

— 4. Greaves for the legs (OCREÆ), Liv. ix. 40., *tegmina crurum*, Virg. Æn. xi. 777., sometimes only on the right leg, Veget. i. 20.‡, and a kind of shoe or covering for the feet, called *Caliga*, set with nails, Juvenal. xvi. 24., used chiefly by the common soldiers (*gregarii vel manipulares milites*), whence the Emperor *Caligula* had his name, Suet. Cal. ix. 52. Tacit. Annal. i. 41. Cic. Att. ii. 3. Hence *Caligatus*, a common soldier, Suet. Aug. 25. Marius *a caliga ad con-*

\* Livy, viii. 8. Clypeis antè Romani usi sunt: deinde, postquam stipendiarii facti sunt (A. U. 347), scuta pro clypeis fecere, et quod antea phalanges similes Macedonicis, hoc postea manipulatim structa acies coepit esse. "The clypeus was made of brass, Virg. Æn. ii. :—Ardentes clypeos, atque æra micantia cerno."—Crombie's G. i. p. 246.

† "They had an under covering of cloth, which seems generally to have been of a red colour, and hung loose to the knees, in the same form as the kilt still used in our highland regiments."—Sketches, &c. of the Romans, p. 82.

‡ When the Roman soldiers threw their *pila*, they had the left leg foremost; but when they engaged in close combat with the sword, they advanced the right, which was therefore protected by the *ocrea*.



*sulatum perductus*, from being a common soldier, *Senec. de Ben.* v. 16. \*

— 5. A sword (*gladius vel ensis*) † and two long javelins (*PILA*). ‡

The cavalry at first used only their ordinary clothing, for the sake of agility, that they might more easily mount their horses; for they had no stirrups (*STAPIÆ vel STAPEDÆ*, as they were afterwards called). When they were first used is uncertain. There is no mention of them in the classics, nor do they appear on ancient coins and statues. Neither had the Romans saddles such as ours, but certain coverings of cloth (*vestis stragula*) to sit on, called *EPHIPPIA*, *Horat. Ep.* i. 14. 44., *vel STRATA*, with which a horse was said to be *CONSTRATUS*, *Liv.* xxi. 54. These the Germans despised, *Cæs. B. G.* iv. 2. The Numidian horse had no bridles, *Liv.* xxxv. 11.

But the Roman cavalry afterwards imitated the manner of the Greeks, and used nearly the same armour with the foot, *Polyb.* vi. 23. Thus, Pliny wrote a book *de jaculatione equestri*, about the art of using the javelin on horseback, *Plin. Ep.* iii. 4.

Horsemen armed *cap-a-piè*, that is, completely from head to foot, were called *LORICATI* or *CATAPHRACTI*, *Liv.* xxxv. 48. xxxvii. 40.

In each legion there were six military tribunes (see p. 170.), who commanded under the consul, each in his turn, usually a month § about, *Liv.* xl. 41. *Horat. Sat.* i. 6. 48. || In battle, a tribune seems to have had the charge of ten centuries, or about a thousand men: hence called in *Greek*, *χιλίαρχος*, *vel -ης*. Under the emperors, they were chosen chiefly from among the senators and *equites*; hence called *LATICLAVII* and *ANGUSTICLAVII*, *Suet. Oth.* 10. One of these seems to be called *TRIBUNUS COHORTIS*, *Plin. Ep.* iii. 9., and their command to have lasted only six months; hence called *SEMESTRIS TRIBUNATUS*, *Plin. Ep.* iv. 4., or *SEMESTRE AURUM*, *Juvenal.* vii. 8., because they had the right of wearing a golden ring.

The tribunes chose the officers who commanded the centuries (*CENTURIONES vel ordinum ductores*), from among the common soldiers, according to their merit, *Liv.* xlii. 34. *Cæs.* vi. 39. *Lucan.* i. 645. vi. 145. But this office (*centurionatus*) was sometimes disposed of by the consul or pro-consul through favour, and even for money, *Cic. Pis.* 36.

The badge of a centurion was a vine-rod or sapling (*VITIS*), *Plin.*

\* “ In the time of Cato Major promotion was by regular discipline, *Cic. de Sen.* § 4.: — Cum Q. Maximo quartum consule adolescentulus miles profectus sum ad Capuam; quintoque anno post, ad Tarentum quaestor; deinde ædilis; quadriennio post factus sum prætor. In the time of Marius it was no longer so.” — T.

† Vegetius de Re Mil. i. 15., adds the *spatha*, or broadsword, which Tacitus (*Ann.* xii. 35.) assigns to the auxiliaries.

‡ Alluded to by *Virg. Æn.* i. 317.: — Bina manu lato crispans hastilia ferro.

§ Two months, according to *Polyb.* vi. 34.: — κατὰ δύο γὰρ σφὰς αὐτοὺς διελόντες ἀνὰ μέρος τῆς ἐκμήνου τὴν δέμηνον ἔρχουσι.

|| “ The levy of the troops, the encampment, and much of the civil discipline, as well as the temporary command of the army, was intrusted to the *Military Tribunes*. They were at one time elected by the people from among the officers who had served five years in the cavalry, and ten in the infantry; but that power afterwards fell into the hands of the consuls, and was latterly exercised by the generals and governors of provinces, who seem to have bestowed the appointment from motives of mere favour.” — *Sketches of the Institutions of the Romans*, &c. p. 79.



xiv. 1. & 3. *Tacit. Ann.* i. 23. *Juvenal.* viii. 247. [with which they corrected the lazy or refractory :] *Ovid. Art. Amor.* i. 527., hence *vite donari*, to be made a centurion ; *vitem poscere*, to ask that office, *Juvenal.* xiv. 193., *gerere*, to bear it, *Lucan.* vi. 146. [“ *Livy, Epit.* lvii.” — *T.*]

There were two centurions in each maniple, called by the same name, but distinguished by the title *prior*, former, and *posterior*, latter, because the one was chosen and ranked before the other, *Tacit. Ann.* i. 32. *Dionys.* ix. 10.

Under the emperors persons were made centurions all at once through interest, *Dio.* lii. 25.

The centurion of the first century of the first maniple of the *Triarii*, was called *Centurio primi pili* [of the first company armed with the *pilum*], vel *primi ordinis*, *Liv.* xxv. 19., or *Primus Pilus*, *primipilus*\*, or *primopilus*, *Cæs. B. G.* ii. 25., also *primus centurio*, *Liv.* vii. 41., *qui primum pilum ducebat*, *ib.* 13. *Dux legionis* (ὁ ἡγεμὼν τοῦ τάγματος), *Dionys.* ix. 10. He presided over all the other centurions, and had the charge of the eagle (*aquila*), or chief standard of the legion, *Tacit. Hist.* iii. 22. *Valer. Max.* i. 6. 11., whereby he obtained both profit and dignity, being ranked among the *equites*, *Juvenal.* xiv. 197. *Martial.* i. 32. *Ovid. Amor.* iii. 8. 20. *Pont.* iv. 7. 15. [“ *Tac. Ann.* i. 17. *Hist.* i. 46.” — *T.*] He had a place in the council of war with the consul and tribunes. The other centurions were called *minores ordine*, *Ib.* 49.†

The centurion of the second century of the first maniple of the *Triarii* was called *Primipilus posterior* : so the two centurions of the second maniple of the *Triarii*, *Prior centurio*, and *posterior centurio secundi pili* ; and so on to the tenth, who was called *Centurio decimi pili, prior et posterior*. In like manner, *Primus princeps*, *secundus princeps*, &c. *Primus hastatus*, &c. Thus there was a large field for promotion in the Roman army, from a common soldier to a centurion ; from being the lowest centurion of the tenth maniple of *Hastati* (*decimus hastatus posterior*), to the rank of *Primipilus*, *Liv.* xlii. 34. Any one of the chief centurions was said *ducere honestum ordinem* ; as, *Virginus*, *Liv.* iii. 44.

The centurions chose each two assistants or lieutenants, called *OPTIONES*, [*Tac. Hist.* i. 25.] *Urāgi*, or *Succenturiones*, *Liv.* viii. 8. *Festus* in *OPTIO* ; and two standard-bearers or ensigns (*SIGNIFERI* vel *Vexillarii*), *Liv.* vi. 8. xxxv. 5. *Tac. Ann.* ii. 81. *Hist.* i. 41. iii. 17. *Cic. Divin.* i. 77.

He who commanded the cavalry of a legion was called *PRÆFECTUS ALÆ*, *Plin. Ep.* iii. 4.

Each *Turma* had three *DECURIONES* or commanders of ten, but he who was first elected commanded the troop, *Polyb.* vi. 23., and he was called *DUX TURMÆ*, *Sallust. Jug.* 38. Each *decurio* had an *optio* or deputy under him, *Varro de Lat. Ling.* iv. 16.

\* “ Different autem *primus pilus* et *primipilus* ; nam *primus pilus* est prima centuria ; *primipilus* vero ejus centuriæ ductor.” — *Facciolati*.

† As the *Primipilus* had the care of the standard (*Aquila*) : hence *Aquila præces* is to bear the dignity of *Primipilus* ; and hence, *Aquila* is taken in *Juvenal* (xiv. 197.) for the said offices. When he left this station, he bore the title of *Primipilaris* or *Primipilaris*, *Tac. Ann.* ii. 11. iv. 72, in the same manner as those who had discharged the greatest civil offices were styled ever after *consulares*, *censarii*, &c.



The troops of the allies (which, as well as the horse, were called *ALÆ*, from their being stationed on the wings, *Liv.* xxxi. 21. *Gell.* xvi. 4.) had præfects (*PRÆFECTI*) appointed them, who commanded in the same manner as the legionary tribunes, *Cæs. B. G.* i. 39. *Suet. Aug.* 38. *Claud.* 35. *Plin. Epist.* x. 19. They were divided into cohorts, as the Roman infantry, *Sallust. Jug.* 58.

A third part of the horse, and a fifth of the foot of the allies, were selected and posted near the consul, under the name of *EXTRAORDINARIII*, and one troop called *ABLECTI* or *Selecti*, to serve as his life-guards, *Liv.* xxxv. 5. *Polyb.* vi. 28.

It is probable that the arms and inferior officers of the allied troops were much the same with those of the Romans.

Two legions, with the due number of cavalry (*cum justo equitatu*), and the allies, formed what was called a consular army (*exercitus consularis*), about 20,000 men, *Liv.* x. 25., in the time of Polybius, 18,600, *Polyb.* vi. 24.\*

The consul appointed lieutenant-generals (*LEGATI*) under him, one or more, according to the importance of the war, *Liv.* ii. 29. 59. iv. 17. x. 40. 43. &c. *Sall. Cat.* 59. *Jug.* 28. *Cæs. de Bell. Civ.* ii. 17. iii. 55.

When the consul performed any thing in person, he was said to do it by his own conduct and auspices (*ductu vel imperio, et auspicio suo*), *Liv.* iii. 1. 17. 42. xli. 17. 28. *Plaut. Amph.* i. 1. 41. ii. 2. 25. *Horat.* i. 7. 27.; but if his *legatus* or any other person did it by his command, it was said to be done, *auspicio consulis et ductu legati*, by the auspices of the consul and conduct of the *legatus*. In this manner the emperors were said to do every thing by their auspices, although they remained at Rome, *Ductu Germanici, auspiciis Tiberii*, *Tacit. Annal.* ii. 41. *Horat. Od.* iv. 14. 16. 33. *Ovid. Trist.* ii. 173., hence *auspicia*, the conduct, *Liv.* iii. 60.†

The military robe or cloak of the general was called *PALUDAMENTUM*, or *Chlamys*, of a scarlet colour bordered with purple; sometimes worn also by the chief officers, *Liv.* i. 26. *Plin.* xvi. 8. *Tac. Ann.* xii. 56.; *cum paludatis ducibus*, officers in red coats, *Juvenal.* vi. 399.; and, according to some, by the lictors who attended the consul in war, *Liv.* xli. 10. xlv. 39. *CHLAMYS* was likewise the name of a travelling dress (*vestis viatoria*): hence *Chlamydatus*, a traveller or foreigner, *Plaut. Pseud.* iv. 2. 8. sc. 7. 49.

The military cloak of the officers and soldiers was called *SAGUM*, also *Chlamys*, *Plaut. Rud.* ii. 2. 9., an open robe drawn over the other clothes and fastened with a clasp, *Suet. Aug.* 26., opposed to *toga*, the robe of peace. When there was a war in Italy (*in tumultu*), all the citizens put on the *sagum*: hence *Est in sagis civitas*, *Cic. Phil.* viii. 11., *sumere saga, ad saga ire*; et *redire ad togas*, *Id.* v. 12. xiv. 1., also put for the general's robe; thus, *Punico lugubre mutavit sagum*, i. e. *deposuit coccineam chlamydem Antonius, et accepit nigram*, laid aside his purple robe and put on mourning, *Horat. Epod.* ix. 27.

\* The proportions were, in Roman troops, 6000 Legionaries of the line, 2400 Velites, and 600 Equites. In social troops, 6700 infantry of the wings, 800 cavalry of the wings, 400 extraordinary cavalry, and 1700 extraordinary infantry.

† So Suetonius, when enumerating the conquests of Augustus, says, *Domuit autem partim ductu, partim auspiciis suis.* *Aug.* 21.

### III. DISCIPLINE OF THE ROMANS, THEIR MARCHES AND ENCAMPMENTS.

THE discipline of the Romans was chiefly conspicuous in their marches and encampments. They never passed a night, even in the longest marches, without pitching a camp, and fortifying it with a rampart and ditch, *Liv.* xliv. 39. *Sallust. Jug.* 45. 91. Persons were always sent before to choose and mark out a proper place for that purpose (*castra metari*): hence called METATORES; thus, *Alteris castris vel secundis*, is put for *altero die*, the second day; *tertiis castris*, *quintis castris*, &c. *Tacit. Hist.* iii. 15. iv. 71. *Cæs. B. G.* vii. 36.

When the army stayed but one night in the same camp, or even two or three nights, it was simply called *castra*, and in later ages MANSIO; which word is also put for the journey of one day, *Plin.* xii. 14., or for an inn, *Suet. Tit.* 10., as *σταθμός* among the Greeks.

When an army remained for a considerable time in the same place, it was called *Castra STATIVA*, a standing camp, *ÆSTIVA*, a summer camp; and *HIBERNA*, a winter camp (which was first used in the siege of Veji), *Liv.* v. 2. *Hibernacula ædificavit*, *Id.* xxiii. 39.

The winter quarters of the Romans were strongly fortified, and furnished, particularly under the emperors, with every accommodation like a city, as storehouses (*armaria*), workshops (*fabricæ*), an infirmary (*valetudinarium*), &c. Hence from them many towns in Europe are supposed to have had their origin; in England particularly, those whose names end in *cester* or *chester*.\*

The form of the Roman camp was a square (*quadrata*), and always of the same figure, *Polyb.* vi. 25. In later ages, in imitation of the Greeks, they sometimes made it circular, or adapted it to the nature of the ground, *Veget.* i. 23. It was surrounded with a ditch (*Fossa*), usually nine feet deep and twelve feet broad, and a rampart (*VAL-LUM*), composed of the earth dug from the ditch (*AGGER*), and sharp stakes (*sudes*, *VALLI* vel *pali*), stuck into it, *Virg. G.* ii. 25. *Cæs. B. Civ.* ii. 1. 15. *Polyb.* xvii. 14, 15. [Distant 200 feet from the nearest tents on every side.]

The camp had four gates, one on each side, called *Porta PRÆ-TORIA*, vel *Extraordinaria*, next the enemy, *Liv.* xl. 27. *DECU-MANA*, opposite to the former (*ab tergo castrorum et hosti aversa*, vel *ab hoste*), *Liv.* iii. 5. x. 32. *Cæs. B. G.* ii. 24. *Civ.* iii. 79. *Porta PRINCIPALIS DEXTRA* and *PRINCIPALIS SINISTRA*, *Liv.* xl. 27.

The camp was divided into two parts, called the upper and lower.

The upper part (*pars castrorum superior*) was that next the *porta prætoria*, in which was the general's tent (*ducis tabernaculum*), called *PRÆTORIUM*, also *AUGURALE*, *Tacit. Annal.* ii. 13. xv. 30., from that part of it where he took the auspices (*auguraculum*, *Fest.* vel *auguratorium*, *Hygin. de Castramet.*) or *AUGUSTALE*, *Quinctil.*

\* "In the cities which this people erected during their occupation of Britain, they appear to have pursued the same system which marked their regular camps. The remains now existing of one of the most extensive, Silchester, near Basingstoke, in Hampshire, partakes very much of the same nature, both as to the disposal of its walls, ditches, streets, and gates, as the consular, or rather the imperial Camp." — *Encycl. Metrop. art. Camp.*

viii. 2. 8., with a sufficient space around for his retinue, the prætorian cohort, &c. On one side of the *Prætorium* were the tents of lieutenant-generals, and on the other that of the Quæstor, QUÆSTORIUM, which seems anciently to have been near the *porta decumana*, hence called *Quæstoria*, Liv. x. 32. xxxiv. 47. Hard by the quæstor's tent was the FORUM, called also QUINTANA, where things were sold and meetings held, Liv. xli. 2. Suet. Ner. 26. Polyb. vi. 38. In this part of the camp were also the tents of the tribunes, prefects of the allies, the *Evocati*, *Ablecti*, and *Extraordinarii*, both horse and foot. But in what order they were placed does not appear from the classics. We only know that a particular place was assigned both to officers and men, with which they were all perfectly acquainted.

The lower part of the camp was separated from the upper by a broad open space, which extended the whole breadth of the camp, called PRINCIPIA, Liv. vii. 12, where the tribunal of the general was erected, when he either administered justice or harangued the army, Tacit. Annal. i. 67. Hist. iii. 13., where the tribunes held their courts (*jura reddebant*)\*, Liv. xxviii. 24., and punishments were inflicted, Suet. Oth. 1. Aug. 24. Liv. viii. 32. ix. 16., the principal standards of the army, and the altars of the gods stood, Tacit. Annal. i. 59.; also the images of the emperors, Id. iv. 2. xv. 29., by which the soldiers swore, Liv. xxvi. 48. Horat. Od. iv. 5. Ep. ii. 1. 16., and deposited their money at the standards (*ad vel apud signa*), as in a sacred place, Suet. Dom. 7., each a certain part of his pay, and the half of a donative, which was not restored till the end of the war, Veget. ii. 20.

In the lower part of the camp the troops were disposed in this manner: — The cavalry in the middle; on both sides of them the *Triarii*, *Principes*, and *Hastati*; next to them on both sides were the cavalry and foot of the allies, who, it is observable, were always posted in separate places, lest they should form any plots (*nequid novæ rei molirentur*) by being united. It is not agreed what was the place of the *Velites*. They are supposed to have occupied the empty space between the ramparts and the tents, which was 200 feet broad. The same may be said of the slaves (*CALONES vel servi*), and retainers or followers of the camp (*LIXÆ, qui exercitum sequebantur, quæstus gratiâ*, Festus), Liv. xxiii. 16. These were little used in ancient times. A common soldier was not allowed a slave, but the officers

\* A law was introduced by Camillus, during the siege of Veii, that no soldier should be impleaded without the camp, in order that he might always be upon the spot in case of an engagement: —

“ Legibus antiquis castrorum, et more Camilli  
Servato, miles ne vallum litiget extra  
Et procul a signis. Justissima Centurionum  
Cognitio est igitur de milite.” — Juv. xvi. 15. 18.

The poet then proceeds to remark the superiority which soldiers (“quos arma tegunt et balteus ambit”) possess over others in obtaining speedy and expeditious justice: —

“ Nec res atteritur longo sufflamine litis.” — Id. 50.

*Sufflamen* is a metaphorical expression taken from the *drag-chain* of a vehicle, to express the dilatory manner in which law-business was transacted: “*lentâ arandâ fori*,” as he terms it in line 47.

were, *Sallust. Jug.* 45. The *Lixæ* were sometimes altogether prohibited, *ibid.* At other times they seem to have stayed without the camp, in what was called PROCESTRIA (*ædificia extra castra*), *Festus*; *Tacit. Hist.* iv. 22.

The tents (*tentoria*) were covered with leather or skins *extended* with ropes: hence *sub pellibus hiemare*, *Flor.* i. 12., *durare*, *Liv.* v. 2., *haberi*, *Id.* 37. 39., *retineri*, in tents, or in camp, *Tacit. Ann.* xiii. 35. So *Cic. Acad.* iv. 2.

In each tent were usually ten soldiers, with their *decanus* [corporal] or petty officer who commanded them (*qui iis præfuit*); which was properly called CONTUBERNIUM, and they *Contubernales*. Hence young noblemen, under the general's particular care, were said to serve in his tent (*contubernio ejus militare*), and were called his CONTUBERNALES, *Suet. Jul.* 42. *Cic. Cæ.* 30. *Planc.* 21. *Sallust. Jug.* 64. Hence, *Vivere in contubernio alicujus*, to live in one's family, *Plin. Ep.* vii. 24. *Contubernalis*, a companion, *Id.* i. 19. x. 3. The centurions and standard-bearers were posted at the head of their companies.

The different divisions of the troops were separated by intervals, called VIÆ. Of these there were five longwise (*in longum*), i. e. running from the *decuman* towards the *prætorian* side; and three across, one in the lower part of the camp, called *Quintana*, and two in the upper, namely, the *Principia* already described, and another between the *Prætorium* and the *Prætorian* gate. The rows of tents between the *viæ* were called STRIGÆ (*ῥῆμαι*).

In pitching the camp, different divisions of the army were appointed to execute different parts of the work, under the inspection of the tribunes or centurions, *Juvenal.* viii. 147., as they likewise were during the encampment to perform different services (*ministeria*), to procure water, forage, wood, &c. From these certain persons were exempted (*immunes operum militarium, in unum pugnae laborem reservati*, *Liv.* vii. 7.), either by law or custom, as the *Equites*, *Val. Max.* ii. 9. 7., the *Evocati* and veterans, *Tacit. Annal.* i. 36., or by the favour (*beneficio*) of their commander; hence called BENEFICIARIJ, *Festus, Cæs. B. C.* i. 75. But afterwards this exemption used to be purchased from the centurions, which proved most pernicious to military discipline, *Tacit. Annal.* i. 17. *Hist.* i. 46. The soldiers obliged to perform these services were called MUNIFICES, *Veget.* ii. 7. 19.

Under the emperors there was a particular officer in each legion who had the charge of the camp, called PRÆFECTUS CASTRORUM, *Tacit. Annal.* i. 20. xiv. 37. *Hist.* ii. 29. *Veget.* ii. 10.

A certain number of maniples was appointed to keep guard at the gates, on the rampart, and in other places of the camp, before the *Prætorium*, the tents of the *Legati*, *Quæstor*, and *Tribunes*, both by day and by night (*agere excubias vel stationes et vigiliæ*), who were changed every three hours, *Polyb.* vi. 33.

EXCUBIÆ denotes watches either by day or night; VIGILIÆ, only by night. Guards placed before the gates were properly called STATIONES, on the ramparts, CUSTODIÆ, *Liv.* xxv. 40. xlv. 33. But *statio* is also put for any post; hence, *Vetat Pythagoras injussu imperatoris, id est, Dei, de præsidio et statione vitæ decedere*, *Cic. Sen.* 20.

Whoever deserted his station was punished with death, *Suet. Aug.* 24.

Every evening before the watches were set (*antequam vigiliæ dis-ponerentur*), the watch-word (*symbolum*) or private signal, by which they might distinguish friends from foes, *Dio.* xliii. 34., was distributed through the army by means of a square tablet of wood in the form of a die, called TESSERA from its four corners (*τέσσαρες*, -α, *quatuor*). On it was inscribed whatever word or words the general chose, which he seems to have varied every night, *Polyb.* vi. 32.

A frequent watch-word of Marius was LAR DEUS; of Sulla, APOLLO DELPHICUS; and of Cæsar, VENUS GENITRIX, &c. *Serv. ad Virg. Æn.* vii. 637.; of Brutus, LIBERTAS, *Dio.* 47. 43. It was given (*tessera data est*) by the general to the tribunes and præfects of the allies, by them to the centurions, and by them to the soldiers. The person who carried the *Tessera* from the tribunes to the centurions, was called TESSERARIUS, *Tacit. Hist.* i. 25.

In this manner also the particular commands of the general were made known to the troops, *Liv.* vii. 35. ix. 32. xxvii. 46. xxviii. 14. *Suet. Galb.* 6., which seems likewise sometimes to have been done *vivâ voce*, *Liv.* xlv. 33.\*

Every evening when the general dismissed his chief officers and friends (*cum PRÆTORIUM dimittebat*), after giving them his commands, all the trumpets sounded, *Liv.* xxi. 54. xxvi. 15. xxx. 5. xxxvii. 5.

Certain persons were every night appointed to go round (*circumire* vel *obire*) the watches; hence called CIRCUITORES, vel *Circitores*. This seems to have been first done by the *equites*, *Liv.* xxii. 1., and tribunes, *Id.* xxviii. 24., on extraordinary occasions by the *legati* and general himself, *Sallust. Jug.* 45. At last particular persons were chosen for that purpose by the tribunes, *Veget.* iii. 8.

The Romans used only wind-instruments of music in the army. Those were the TUBA, straight like our trumpet; CORNU, the horn, bent almost round; BUCCINA, similar to the horn, commonly used by the watches; LITUUS, the clarion, bent a little at the end, like the augur's staff or *lituus*; all of brass: whence those who blew them were called ÆNEATORES, *Suet. Jul.* 32. The *Tuba* was used as a signal for the foot, the *Lituus* for the horse, *Acron. ad Horat. Od.* i. 1. 23., but they are sometimes confounded, *Virg. Æn.* vi. 167., and both called *Concha*, because first made of shells, *Id.* 171.

The signal was given for changing the watches (*vigiliis mutandis*) with a trumpet or horn (*tubâ*), *Lucan.* viii. 24. (*buccinâ*), *Liv.* vii. 35. *Tacit. Hist.* v. 22., hence *ad tertiam buccinam*, for *vigiliam*, *Liv.*

\* "About A. U. 585, some new regulations were introduced into the Roman discipline, by the consul, Æmilius Paulus. Instead of giving the word of command aloud at the head of the legions to all the soldiers, Æmilius now ordered the tribune of the nearest legion to give it in a low voice to his primipile, who was to transmit it to the next centurion, until it was conveyed in this manner through the whole of the army. The guards, too, which had hitherto been accustomed to stand from morning till night at their posts, were now relieved at noon; and because they often fell asleep, leaning upon their shields, they were ordered for the future to go upon guard without a shield, *Liv.* xlv. 33." — *Hooke's R. H.* iii. p. 462.



xxvi. 15., and the time was determined by hour-glasses (*per clepsydras*), Veget. iii. 8. See p. 214.

A principal part of the discipline of the camp consisted in exercises (whence the army was called *EXERCITUS*), walking and running (*decursio*) completely armed, Liv. xxiii. 35. xxvi. 51. xxix. 22. Polyb. vi. 20.; leaping, swimming, Suet. Aug. 65.; vaulting (*salitio*) upon horses of wood, Veget. i. 18.; shooting the arrow, and throwing the javelin; attacking a wooden figure of a man as a real enemy (*exercitia ad palum* vel *PALARIA*), Juvenal. vi. 346.; the carrying of weights, &c. Virg. G. iii. 346.\*

When the general thought proper to decamp (*castra movere*), he gave the signal for collecting their baggage (*colligendi vasa*), whereupon all took down their tents (*tabernacula detendebant*), but not till they saw this done to the tents of the general and tribunes, Polyb. vi. Upon the next signal they put their baggage on the beasts of burden, and upon the third signal began to march; first the *extraordinarii* and the allies of the right wing with their baggage; then the legions; and last of all the allies of the left wing, with a party of horse in the rear (*ad agmen cogendum*, i. e. *colligendum*, to prevent straggling), and sometimes on the flanks, in such order (*composito agmine, non itineri magis apto, quàm prælio*), that they might readily be formed into a line of battle if an enemy attacked them.

An army in close array was called *AGMEN PILATUM*, Serv. in Virg. Æn. xii. 121., vel *justum*, Tacit. Hist. i. 68. When under no apprehension of an enemy, they were less guarded (*agmine incauto*, i. e. *minus munito, ut inter pacatos ducebat*, sc. consul). Liv. xxxv. 4.

The form of the army on march, however, varied, according to circumstances and the nature of the ground, Liv. xxxv. 4. 27, 28. It was sometimes disposed into a square (*AGMEN QUADRATUM*) with the baggage in the middle, Liv. xxxi. 37. xxxix. 90. Hirt. de Bell. Gall. viii. 8. Tacit. Ann. i. 51.†

Scouts (*speculatores*) were always sent before to reconnoitre the ground (*ad omnia exploranda*), Suet. Jul. 58. Sall. Jug. 46. A certain kind of soldiers under the emperors were called *SPECULATORES*, Tacit. Hist. i. 24, 25. 27. ii. 11. 33. 73. Suet. Claud. 35. Oth. 5.

The soldiers were trained with great care to observe the military pace (*gradu militari incedere*), and to follow the standards (*signa sequi*). For that purpose, when encamped, they were led out thrice a month, sometimes ten, sometimes twenty miles, less or more, as the general inclined. They usually marched at the rate of twenty miles in five hours, sometimes with a quickened pace (*gradu vel agmine citato*) twenty-four miles in that time, Veget. i. 9.

\* P. Rutilius Rufus (during his consulship, A. U. 648) was the first who introduced the custom of teaching the soldiers the use of their weapons by masters taken from the schools of the gladiators, a practice adopted by the succeeding generals; and, in later times, mention is made of these masters for the soldiery, under the name of *campidoctores*, Veget. de Re Milit. iii. 6. — Hooke's R. H. iv. p. 106.

† " *Agmen quadratum* was the march in battle array before the enemy. The *agmen longum* is the march in column; in which we must suppose that one century of the first class followed another, each ranged with four men in front and five deep; after them came the centuries of the second class: the line of battle was formed with the utmost simplicity by wheeling round." — Nieb. ii. p. 265.



The load which a Roman soldier carried is almost incredible, *Verg. G. iii. 346. Horat. Sat. ii. 10.*: victuals (*cibaria*) for fifteen days, *Cic. Tac. ii. 15, 16.*, sometimes more, *Liv. Epit. 57.*, usually corn, as being lighter, sometimes dressed food (*coctus cibus*), *Liv. ii. 27.*, utensils (*utensilia*), *ib. 42.*, a saw, a basket, a mattock (*rutrum*), an axe, a hook, and leathern thong (*falx et lorum ad pabulandum*), a chain, a pot, &c. *Liv. xxviii. 45. Horat. Epod. ix. 13.*, stakes usually three or four, sometimes twelve, *Liv. iii. 27.*, the whole amounting to sixty pounds weight, besides arms; for a Roman soldier considered these not as a burden, but as a part of himself (*arma membra milites ducebant*), *Cic. Tusc. ii. 16.*

Under this load they commonly marched twenty miles a day, sometimes more, *Veget. i. 10. Spartian. Adrian. 10.*

There were beasts of burden for carrying the tents, mills, baggage, &c. (*JUMENTA SARCINARIA, Cæs. B. C. i. 81.*) The ancient Romans rarely used waggons, as being more cumbersome, *Sallust. Jug. 45.*

The general usually marched in the centre, sometimes in the rear, or wherever his presence was necessary, *Ibid. et Polyb. x. 22.*

When they came near the place of encampment, some tribunes and centurions, with proper persons appointed for that service (*cum metatoribus*), were sent before to mark out the ground, and assign to each his proper quarters, which they did by erecting flags (*vexilla*) of different colours in the several parts.

The place for the general's tent was marked with a white flag, and when it was once fixed\*, the places of the rest followed of course, as being ascertained and known, *Polyb. vi. 39.* When the troops came up, they immediately set about making the rampart (*vallum jaciebant*), while part of the army kept guard (*præsidium agitabant*) to prevent surprise. The camp was always marked out in the same manner, and fortified, if they were to continue in it only for a single night, *Joseph. Bell. Jud. iii. 6.†*

#### IV. THE ORDER OF BATTLE AND THE DIFFERENT STANDARDS.

THE Roman army was usually drawn up in three lines (*triplici acie, vel triplicibus subsidiis*, *Sallust. Jug. 49.*), each several rows deep.

The *Hastati* were placed in the first line (*in prima acie, vel in principiis*); the *Principes* in the second; and the *Triarii* or *Pilani* in the third; at proper distances from one another. [Between the first and second lines was a space of 50 feet; between the *Principes* and *Triarii* 100 feet: in the latter space stood the Roman eagles, and the consuls and lieutenant-generals took their posts.] The *Principes* are supposed anciently to have stood foremost. Hence *post principia*, behind the first line, *Ter. Eun. iv. 7. 11. Liv. ii. 65. iii. 22. viii. 10. Transvorsis principiis*, the front or first line being turned into the flank, *Sallust. Jug. 49. Liv. viii. 8. xxxvii. 39.*

\* From this, as from a central point, a square, whose sides were 100 feet, was traced.

† The Romans are said to have first adopted an exact system of castrametation after their war with Pyrrhus, A. U. C. 480.

A manipule of each kind of troops was placed behind one another, so that each legion had ten maniples in front. They were not placed directly behind one another as on march (*agmine quadrato*); but obliquely, in the form of what is called a *Quincunx*\*, Virg. G. ii. 279, unless when they had to contend with elephants, as at the battle of Zama, Polyb. xv. 9., et Appian. Liv. xxx. 33. There were certain intervals or spaces (*VIÆ*) not only between the lines, but likewise between the maniples. Hence *ordines explicare*, to arrange in order of battle, Liv. iii. 60., and in the maniples each man had a free space of at least three feet, both on the side and behind, Polyb. xvii. 26.

The *Velites* were placed in the spaces or intervals (*in viis*) between the maniples, Liv. xxx. 33. Sallust. *ibid.*, or on the wings, xlii. 58.

The Roman legions possessed the centre (*mediam aciem tenebant*), the allies and auxiliaries the right and left wings (*cornua*), Liv. xxxvii. 89. The cavalry were sometimes placed behind the foot, whence they were suddenly let out on the enemy through the intervals between the maniples, Liv. x. 5.; but they were commonly posted on the wings, Liv. xxviii. 14., hence called ALÆ, Gell. xvi. 4. Plin. Ep. 7. 30., which name is commonly applied to the cavalry of the allies (*alarii vel alarii equites*), Liv. xxxi. 21. Cic. Fam. ii. 17., when distinguished from the cavalry of the legions (*equites legionarii*), Liv. xl. 40. Cæs. B. G. i. 41., and likewise to the auxiliary infantry (*cohortes alares vel alariæ*), Liv. x. 40. 43. Cæs. B. C. i. 65. ii. 16.

This arrangement, however, was not always observed. Sometimes all the different kinds of troops were placed in the same line. For instance, when there were two legions, the one legion and its allies were placed in the first line, and the other behind as a body of reserve (*in subsidiis vel præsidiis*), Liv. xxvii. 2. 12. xxix. 2. xxx. 18. This was called ACIES DUPLEX, Cæs. B. C. i. 75. Sallust. Cat. 59., when there was only one line, ACIES SIMPLEX, Cæs. B. G. iii. 25. Afr. 12. 53. Some think that in later times an army was drawn up in order of battle, without any regard to the division of soldiers into different ranks. In the description of Cæsar's battles there is no mention made of the soldiers being divided into *Hastati*, *Principes*, and *Triarii*, but only of a certain number of legions and cohorts, which Cæsar generally drew up in three lines, Cæs. B. G. i. 19. 41. ii. 22. iv. 11. B. C. i. 57. 75. iii. 74. Afr. 53. So Sallust. Cat. 59. Tacit. Hist. ii. 24. In the battle of Pharsalia he formed a body of reserve, which he calls a fourth line (*QUARTAM ACIEM instituit*), to oppose the cavalry of Pompey, which indeed determined the fortune

\* "The Romans generally adopted the *quincunx* or chequer order for battle, owing to the facility it allowed for forming line and column at pleasure. The *intervalla* betwixt the maniples were equal to the fronts of the maniples themselves; so that, by advancing the maniples of the *Principes* through the intervals of the *Hastati*, a line was at once formed, or by moving them fourteen yards (the extent of the front of each manipule) either way, the formation was doubled; and by placing the maniples of the *Triarii* exactly behind those of the *Principes* (as when the army was threatened by elephants) the whole was formed into columns, separated by the usual *intervalla*. The line of the *Triarii* was continuous."—*Encyc. Britann.* "Chevalier Folard is of opinion, that the defeat of Regulus was altogether owing to his mistake in not leaving (as Scipio did afterwards in the battle of Zama) sufficient spaces between the columns of his main-body, for the elephants to pass freely through them."—*Hooke's R. H.* ii. p. 486.

of the day, *B. C.* iii. 76. This was properly called *ACIES QUADRU-  
PLEX*; as, *B. Afr.* 58.

In the time of Cæsar the bravest troops were commonly placed in the front, *Sallust. et Cæs. ibid.*, contrary to the ancient custom. This and various other alterations in the military art are ascribed to Marius.

*ACIES* is put not only for the whole or part of an army in order of battle; as, *Aciem instruere, æquare, exornare, explicare, extenuare, firmare, perturbare, instaurare, restituere, redintegrare, &c.\**; but also for the battle itself, *Cic. Fam.* vi. 3. *Suet. Aug.* 20. *Commissam aciem secutus est terræ tremor*, there happened an earthquake after the fight was begun, *Flor.* ii. 6. *Post acies primas*, after the first battle, *Ovid. Met.* xiii. 207.

Each century, or at least each manipule, had its proper standard and standard-bearer. *Varro de Lat. Ling.* iv. 16. *Liv.* viii. 8. *Veget.* ii. 23. Hence *militēs signi unius*, of one manipule or century, *Liv.* xxv. 23. xxxiii. 1. 9.; *Reliqua signa in subsidio artius collocat*, he places the rest of the troops as a body of reserve or in the second line more closely, *Sallust. Cat.* 59.; *signa inferre*, to advance; *convertere*, to face about, *Cæs. B. G.* i. 25.; *efferre*, to go out of the camp, *Liv.* xxv. 4.; *a signis discedere*, to desert, *Ibid.* 20.; *referre*, to retreat; also to recover the standards, *Virg. Æn.* vi. 826.; *signa conferre, vel signis collatis configere*, to engage; *signis infestis inferri, ire, vel incedere*, to march against the enemy; *urbem intrare sub signis*, *Liv.* iii. 51.; *sub signis legiones ducere*, in battle order, *Cic. Att.* xvi. 8.; *signa infesta ferre*, to advance as if to an attack, *Virg. Æn.* v. 582.

The ensign of a *manipulus* was anciently a bundle of hay on the top of a pole (see p. 317.), whence *miles manipularis*, a common soldier, *Ovid. Fast.* iii. 116. Afterwards a spear with a cross piece of wood on the top, sometimes the figure of a hand above, probably in allusion to the word *manipulus*†, and below, a small round or oval shield, commonly of silver, *Plin.* xxxiii. 3., also of gold, *Herodian.* iv. 7., on which were represented the images of the warlike deities, as *Mars* or *Minerva*; and after the extinction of liberty, of the emperors, *Tacit. Ann.* i. 43. *Hist.* i. 41. iv. 62., or of their favourites, *Suet. Tib.* 48. *Cal.* 14. Hence the standards were called *Numina legionum*, and worshipped with religious adoration, *Suet. Cal.* 14. *Vit.* 2. *Tacit. Ann.* i. 39. *Veget.* ii. 6. The soldiers swore by them, *Lucan.* i. 374. ‡

We read also of the standard of the cohorts, *Liv.* xxvii. 15. *Cæs. B. G.* ii. 25. *Tacit. Ann.* i. 18. *Hist.* i. 41., as of præfects or commanders of the cohorts, *Sallust. Jug.* 46. But then a whole is supposed to be put for a part, *cohortes* for *manipuli* or *ordines*, which were properly said *ad signa convenire et contineri*, *Cæs. B. G.* vi. 1. 31.

\* “*Aciem erigere*, to march in line of battle up the hill, *Tac. Agric.* § xviii.”—*T.*

† As *Vegetius* ii. 13., observes, with more probability, from the soldiers having fought with joined hands.

‡ “On certain festivals, they crowned them with flowers, and perfumed them, *Plin.* l. xiii. ‘*Aquilæ certe, ac signa illa pulverulenta, et custodiis horrida, inunguntur etiam festis diebus.*’ This custom is also attested by an inscription on an ancient marble, which runs thus: — *CORONÆ . INLATÆ . SIGNA QUE UNCTA.*” — *Hooke’s R. H.* i. p. 248.

37. The divisions of the legion, however, seem to have been different at different times. Cæsar mentions 120 chosen men of the same century, *B. C.* iii. 76., and Vegetius makes *manipulus* the same with *contubernium*, ii. 13. It is at least certain that there always was a diversity of ranks, ORDINES INFERIORES ET SUPERIORES, *Cæs. B. G.* vi. 34. *Tacit. Hist.* i. 52. iv. 59., and a gradation of preferments, ORDINES vel *gradus militiæ*, *Ibid.* et *Cæs. B. C.* i. 44. *Suet. Claud.* 25. The divisions most frequently mentioned are COHORTES, *battalions* of foot, and TURMÆ, *troops* of horse, *Cic. Marcel.* 2. *Fam.* xv. 2. *Att.* vi. 2. *Cohors* is sometimes applied to the auxiliaries, and opposed to the legions, *Tacit. Hist.* ii. 89. v. 18. It is also, although more rarely, applied to cavalry, *Plin. Ep.* x. 107.

The standards of the different divisions had certain letters inscribed on them, to distinguish the one from the other, *Veget.* ii. 13.

The standard of the cavalry was called VEXILLUM, a flag or banner, *i. e.* a square piece of cloth fixed on the end of a spear, *Liv.* used also by the foot, *Cæs. B. G.* vi. 33. 37., particularly by the veterans who had served out their time, but under the emperors were still retained in the army, and fought in bodies distinct from the legion, under a particular standard of their own (*sub vexillo*, hence called VEXILLARII), *Tacit. Ann.* i. 17. 26. 36. 38. But *Vexillum* or *Vexillatio* is also put for any number of troops following one standard, *Tacit. Hist.* i. 31. 70. *Suet. Galb.* 18. *Stat. Theb.* xii. 782.

To lose the standard was always esteemed disgraceful (*Magnum perdere crimen erat*, *Ovid. Fast.* iii. 114.), particularly to the standard-bearer, *Cæs. B. G.* iv. 23. v. 29. *B. C.* i. 54., sometimes a capital crime, *Liv.* ii. 59. Hence to animate the soldiers, the standards were sometimes thrown among the enemy, *Liv.* iii. 70. vi. 8. xxv. 14. xxvi. 5.

A silver eagle with expanded wings, on the top of a spear, sometimes holding a thunderbolt in its claws, with the figure of a small chapel above it, *Dio.* xl. 18., was the common standard of the legion, at least after the time of Marius, for before that the figures of other animals were used, *Plin.* x. 4. s. 5. Hence AQUILA is put for a legion, *Cæs. Hisp.* 30., and *aquila signaque* for all the standards of a legion, *Tacit. passim.* It was anciently carried before the first manipule of the *Triarii* [by an officer called *Aquilifer*]; but after the time of Marius, in the first line, and near it was the ordinary place of the general, *Sallust. Cat.* 59., almost in the centre of the army; thus MEDIO DUX AGMINE *Turnus vertitur arma tenens*, *Virg. Æn.* ix. 28., usually on horseback, *Liv.* vi. 7. *Sall. Cat.* 59. *Cæs. Gall.* i. 25. So likewise the *Legati* and Tribunes, *Ibid.* & *Cæs.* vii. 65.

The soldiers who fought before the standards, or in the first line, were called ANTESIGNANI, *Liv.* ii. 20. iv. 37. vii. 16. 33. ix. 32. 39. xxii. 5. xxx. 33. *Cæs. B. C.* i. 41. 52. Those behind the standards (*post signa*), POSTSIGNANI, *Liv.* viii. 11. *Frontin. Strateg.* i. 3. 17., vel SUBSIGNANI, *Tacit. Hist.* i. 70.; but the *Subsignani* seem to have been the same with the *Vexillarii*, or privileged veterans, *Id.* iv. 33. *Ann.* i. 36.

The general was usually attended by a select band, called COHORS PRÆTORIA, *Cic. Cat.* ii. 11. *Fam.* x. 30. *Sallust. Cat.* 60. *Jug.*

98., first instituted by Scipio Africanus, *Festus*; but something similar was used long before that time, *Liv.* ii. 20., not mentioned in Cæsar, unless by the by, *B. G.* i. 40.

When a general, after having consulted the auspices, had determined to lead forth his troops against the enemy, a red flag was displayed (*vexillum vel signum pugnae proponebatur*), on a spear from the top of the *Prætorium*, Cæs. de Bell. G. ii. 20. ["B. Civ. iii. 81."—*T.*] *Liv.* xxii. 45., which was the signal to prepare for battle. Then having called an assembly by the sound of a trumpet (*classico*, i. e. *tubâ concione advocatâ*, *Liv.* iii. 62. vii. 36. viii. 7. 32.) he harangued (*alloquebatur*) the soldiers, who usually signified their approbation by shouts, by raising their right hands, *ib.* & *Lucan.* i. 386., or by beating on the shields with their spears. Silence was a mark of timidity, *Lucan.* ii. 596. This address was sometimes made in the open field from a tribunal raised of turf (*e tribunali cespitio aut viride cespite exstructo*), *Tacit. Ann.* i. 18. *Plin. Paneg.* 56. *Stat. Silv.* v. 2. 144. A general always addressed his troops by the title of *milites*: hence Cæsar greatly mortified the soldiers of the tenth legion, when they demanded their discharge, by calling them QUIRITES instead of MILITES, *Dio.* xlii. 53. *Suet. Cæs.* 70.

After the harangue all the trumpets sounded (*signa canebant*), which was the signal for marching, *Lucan.* ii. 597.

At the same time the soldiers called out *To arms* (*AD ARMA conclamatum est*). The standards which stood fixed in the ground were pulled up (*convellebantur*), *Liv.* iii. 50. 54. vi. 28. *Virg. Æn.* xi. 19. If this was done easily, it was reckoned a good omen; if not, the contrary, *Liv.* xxii. 3. *Cic. Div.* i. 35. *Val. Max.* i. 211. *Lucan.* vii. 162. Hence, *Aquilæ prodire nolentes*, the eagles unwilling to move, *Flor.* ii. 6. *Dio.* xl. 18. The watch-word was given (*signum datum est*) either *vivâ voce*, or by means of a *tessera*, Cæs. de B. G. ii. 20. de B. Afric. 83., as other orders were communicated, *Liv.* v. 36. xxi. 14. In the mean time many of the soldiers made their testaments (*in procinctu*, see p. 55.), *Gell.* xv. 27.

When the army was advanced near the enemy (*intra teli conjectum, unde a ferentariis prælium committi posset*), the general riding round the ranks again exhorted them to courage, and then gave the signal to engage. Upon which all the trumpets sounded, and the soldiers rushed forward to the charge with a great shout (*maximo clamore procurrebant cum signis vel pilis infestis*, i. e. *in hostem versis vel directis*), *Sallust. Cat.* 60. Cæs. B. Civ. iii. 92. *Liv.* vi. 8. &c. *Dio.* xxxvi. 32., which they did to animate one another and intimidate the enemy, *Cæs. ibid.* Hence *primus clamor atque impetus rem decrevit*, when the enemy were easily conquered, *Liv.* xxv. 4.

The *Velites* first began the battle; and when repulsed retreated either through the intervals between the files (*per intervalla ordinum*), or by the flanks of the army, and rallied in the rear. Then the *Hastati* advanced; and if they were defeated, they retired slowly (*presso pede*) into the intervals of the ranks of the *Principes*, or if greatly fatigued, behind them. Then the *Principes* engaged; and if they too were defeated, the *Triarii* rose up (*consurgebant*): for hitherto they continued in a stooping posture (*subsdebant, hinc dicti SUBSIDIA, Festus*), leaning on their right knee, with their left leg stretched out, and protected with



their shields: hence, AD TRIARIOS VENTUM EST, it is come to the last push, *Liv.* viii. 8. [10.]\*

The *Triarii* receiving the *Hastati* and *Principes* into the void spaces between their *manipuli*, and closing their ranks (*compressis ordinibus*), without leaving any space between them, in one compact body (*uno continente agmine*) renewed the combat. Thus the enemy had several fresh attacks to sustain before they gained the victory. If the *Triarii* were defeated, the day was lost, and a retreat was sounded (*receptus cecinerunt*), *Liv.* viii. 8, 9.†

This was the usual manner of attack before the time of Marius. After that several alterations took place, which, however, are not exactly ascertained.

The legions sometimes drew lots about the order of their march, and the place they were to occupy in the field, *Tacit. Hist.* ii. 41.

The Romans varied the line of battle by advancing or withdrawing particular parts. They usually engaged with a straight front (*rectâ fronte*, Festus; vel *æquatis frontibus*, Tibull. iv. 1. 103. ACIES DIRECTA). Sometimes the wings were advanced before the centre (ACIES SINUATA), *Senec. de Beat. Vit.* 4. *Liv.* xxviii. 14., which was the usual method, *Plutarch. in Mario*; or the contrary (ACIES GIBBERA, vel *flexa*), which Hannibal used in the battle of Cannæ, *Liv.* xxii. 47. Sometimes they formed themselves into the figure of a wedge (CUNEUS vel *trigōnum*, a triangle), called by the soldiers CAPUT PORCINUM, like the Greek letter Delta, Δ, *Liv.* viii. 10. *Quinctil.* ii. 13. *Virg. Æn.* xii. 269. 457. *Cæs. B. G.* vi. 40. So the Germans, *Tacit. de Mor. G.* 6., and Spaniards, *Liv.* xxxix. 31. But *cuneus* is also put for any close body, as the Macedonian *phalanx*, *Liv.* xxxii. 17. Sometimes they formed themselves to receive the *cuneus*, in the form of a FORCEPS or scissors: thus, V, *Gell.* x. 9. *Veget.* ii. 19.

When surrounded by the enemy, they often formed themselves into a round body, (ORBIS vel GLOBUS, hence *orbes facere* vel *volvere*; *in orbem se tutari* vel *conglobare*), *Sallust. Jug.* 97. *Liv.* ii. 50. iv. 28. 39. xxiii. 27. *Cæs. B. G.* iv. 37. *Tacit. An.* ii. 11.

When they advanced or retreated in separate parties, without remaining in any fixed position, it was called SERRA, *Festus*.‡

\* “The stratagem of rallying thus by means of these openings in the lines, has been reckoned almost the whole art and secret of the Roman discipline, and it was almost impossible it should prove unsuccessful, if duly observed; for fortune, in every engagement, must have failed them three several times, before they could be routed; and the enemy must have had the strength and resolution to overcome them in three several encounters for the decision of one battle; whereas most other nations, and even the Grecians themselves, drawing up their whole army as it were in one front, trusted themselves and their fortunes to the success of a single charge.” — *Hooke's R. H.* ii. p. 217.

† The *Equites*, though men of superior grade, were but of little military importance. Without saddles and without stirrups, as a fulcrum for reaction, the Roman horse-soldier could never exert half his force. They frequently dismounted, in order to take a more decided part in the engagement.

‡ “In following the Romans, says Dr. Browne, in their wars under the emperors, we find their discipline and their tactics declining from age to age, in the same manner as they had advanced and improved. The spirit of change, though productive of some ameliorations, proved ultimately fatal to the legion. As long as the Romans continued faithful to the precepts and rules of the ancient masters, their infantry maintained its superiority; and in proportion as these were departed from, it declined. ‘One cannot read without indignation,’ says Guischardt, ‘the bad



When the Romans gained a victory, the soldiers with shouts of joy saluted their general by the title of IMPERATOR [which was always the first and necessary step towards a triumph]. (See p. 147.) His lictors wreathed their *fascēs* with laurel, *Plutarch. in Lucull.*, as did also the soldiers their spears and javelins. *Stat. Sylv. v. i. 92. Martial. vii. 5, 6. Plin. xv. 30.* He immediately sent letters wrapt round with laurel (*literæ laureatæ*) to the senate, to inform them of his success, to which Ovid alludes, *Amor. i. 11. 25.*, and if the victory was considerable, to demand a triumph, *Liv. xlv. 1. Cic. Pis. 17. Att. v. 20. Fam. ii. 10. Appian. B. Mithrid. p. 223.*, to which Persius alludes, *vi. 43.* These kind of letters were seldom sent under the emperors, *Dio. liv. 11. Tacit. Agric. 18.* If the senate approved, they decreed a thanksgiving (*supplicatio*, vel *supplicium*, vel *gratulatio*, *Cic. Marcell. 4. [Cat. iv. 10.] Fam. ii. 18.*) to the gods, and confirmed to the general the title of IMPERATOR, which he retained till his triumph or return to the city [from which moment his command and title expired together of course, and he resumed his civil character], *Cic. Phil. xiv. 3, 4, 5.* In the mean time his lictors, having the *fascēs* wreathed with laurel, attended him, *Ib.* [With these insignia, Cicero, upon his return from the government of Cilicia, landed at Brundisium].

## V. MILITARY REWARDS.

AFTER a victory, the general assembled his troops; and in presence of the whole army, bestowed rewards on those who deserved them. These were of various kinds.

The highest reward was the civic crown (CORONA CIVICA), given to him who had saved the life of a citizen, *Gell. v. 6. Liv. vi. 20. x. 46.*, with this inscription, OB CIVEM SERVATUM, vel *-es -tos*, *Senec. Clem. i. 26.*, made of oak leaves (*e fronde quernæ*, hence called *Quercus civilis*, *Virg. Æn. vi. 772.*), and by the appointment of the general presented by the person who had been saved to his preserver, whom he

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tactical arrangements which the Romans, in the time of Vegetius (A. D. 386), had substituted for the ancient models. The soldiers were drawn up six deep and sometimes three. Each rank had different arms; and the greater part were slingers and archers. The ranks were separated about six feet from each other; and the files had been diminished three feet in distance, because they fought no longer with the sword, and they had even forgot the proper use of the *pilum* or javelin. The third and fourth ranks were compelled, from time to time, to detach themselves, charge at the head of the line, and afterwards return to their post. One cannot imagine any thing more pitiable." — *Encyclopædia Britannica*. "It is the just and important observation of Vegetius, that the infantry was invariably covered with defensive armour, from the foundation of the city, to the reign of the emperor Gratian (A. D. 367). The relaxation of discipline and the disuse of exercise, rendered the soldiers less able and less willing, to support the fatigues of the service: they complained of the weight of the armour which they seldom wore; and they successively obtained the permission of laying aside both their cuirasses and their helmets. The heavy weapons of their ancestors, the short sword and the formidable *pilum*, which had subdued the world, insensibly dropped from their feeble hands. The loss of armies, the destruction of cities, and the dishonour of the Roman name, ineffectually solicited the successors of Gratian to restore the helmets and cuirasses of the infantry. The enervated soldiers abandoned their own and the public defence; and their pusillanimous indolence may be considered as the immediate cause of the downfall of the empire." — *Gibbon's Decline and Fall*, ch. xxvii. fin.

ever after respected as a parent, *Cic. Planc.* 30. Under the emperors it was always bestowed by the prince (*imperatoria manu*), *Tacit. Ann.* [ii. 83.] iii. 21. xv. 12. It was attended with particular honours. The person who received it wore it at the spectacles, and sat next the senate. When he entered, the audience rose up, as a mark of respect (*ineunti etiam ab senatu assurgebatur*), *Plin.* xxi. 4. Among the honours decreed to Augustus by the senate was this, that a *civic crown* should be suspended from the top of his house, between two laurel branches, which were set up in the vestibule before the gate, as if he were the perpetual preserver of his citizens, and the conqueror of his enemies, *Dio.* liii. 16. *Val. Max.* ii. 8. *fin.* *Ovid. Fast.* i. 614. iv. 953. *Trist.* iii. 1. 35—48. So Claudius, *Suet.* 17., hence, in some of the coins of Augustus, there is a civic crown, with these words inscribed, OB CIVES SERVATOS.

To the person who first mounted the rampart, or entered the camp of the enemy, was given by the general a golden crown, called CORONA VALLARIS vel CASTRENSIS, *Val. Max.* i. 8. To him who first scaled the walls of a city in an assault, CORONA MURALIS, *Liv.* xxvi. 48.; who first boarded the ship of an enemy, CORONA NAVALIS, *Festus*; *Gell.* v. 6.

Augustus gave to Agrippa, after defeating Sextus Pompeius in a sea-fight near Sicily, a golden crown, adorned with figures of the beaks of ships, hence called ROSTRATA, *Virg. Æn.* viii. 684., said to have been never given to any other person, *Liv. Epit.* 129. *Paterc.* ii. 81. *Dio.* xlix. 14.; but according to *Festus*, in *voc.* NAVALI, and *Pliny*, vii. 30. xvi. 4., it was also given to M. Varro in the war against the pirates by Pompey; but they seem to confound the *corona rostrata* and *navalis*, which others make different. So also *Suet. Claud.* 17.

When an army was freed from a blockade, the soldiers gave to their deliverer (*ei duci qui liberavit*, *Gell.* v. 6.) a crown made of the grass which grew in the place where they had been blocked up; hence called *graminea corona* OBSIDIONALIS, *Liv.* vii. 37. *Plin.* xxii. 4, 5. This of all military honours was esteemed the greatest. A few, who had the singular good fortune to obtain it, are recounted, *Ib.* 5, 6.

Golden crowns were also given to officers and soldiers who had displayed singular bravery; as to T. Manlius Torquatus, and M. Valerius Corvus, who each of them slew a Gaul in single combat, *Liv.* vii. 10. 26.; to P. Decius, who preserved the Roman army from being surrounded by the Samnites, *Id.* 37., and to others, x. 44. xxvi. 21. xxx. 15.

There were smaller rewards (*præmia minora*) of various kinds; as, a spear without any iron on it (HASTA PURA), *Virg. Æn.* vi. 760. *Suet. Claud.* 28. — a flag or banner, i.e. a streamer on the end of a lance or spear (VEXILLUM, *quasi parvum velum*, *Serv.* in *Virg. Æn.* viii. 1.) of different colours, with or without embroidery (*auratum vel purum*), *Sall. Jug.* 85. *Suet. Aug.* 25.—Trappings (PHALERÆ), ornaments for horses, *Virg. Æn.* v. 310. *Liv.* xxii. 52., and for men, *Liv.* ix. 46. *Cic. Att.* xvi. 17. *Verr.* iii. 80. iv. 12.—Golden chains (AURÆ TORQUES), *Tacit. Annal.* ii. 9. iii. 21. *Juvenal.* xvi. 60. [*læti phaleris omnes, et torquibus omnes*, *Cf.* iii. 60.], which went round the neck, whereas the *Phaleræ* hung down on the breast, *Sil.*

*Ital.* xv. 52. Bracelets (ARMILLÆ), ornaments for the arms, *Liv.* x. 44. — CORNICULA, ornaments for the helmet in the form of horns, *Ibid.* — CATELLÆ, vel *Catenulæ*, chains composed of rings; whereas the *Torques* were twisted (*tortæ*) like a rope, *Liv.* xxxix. 31. — FIBULÆ, clasps, or buckles for fastening a belt or garment, *Ibid.*

These presents were conferred by the general in presence of the army; and such as received them, after being publicly praised, were placed next him, *Sall. Jug.* 54. *Liv.* xxiv. 16. *Cic. Phil.* v. 13. 17. They ever after kept them with great care, and wore them at the spectacles and on all public occasions, *Liv.* x. 47. They first wore them at the games, A. U. 459. *Ib.*

The spoils (SPOLIA, vel *Exuviae*) taken from the enemy were fixed up on their door-posts, or in the most conspicuous part of their houses, *Virg. Æn.* ii. 504. *Liv.* xxiii. 23.

When the general of the Romans slew the general of the enemy in single combat, the spoils which he took from him (*quæ dux duci detraxit*) were called SPOLIA OPIMA (ab *Ope* vel *opibus*, Festus), *Liv.* iv. 20., and hung up in the temple of Jupiter Feretrius, built by Romulus, and repaired by Augustus, by the advice of Atticus, *Nep. in Vit.* 20. These spoils were obtained only thrice before the fall of the republic; the first by Romulus, who slew Acron, King of the Cæninenses, *Liv.* i. 10., the next by A. Cornelius Cossus, who slew Lar Tolumnius, King of the Veientes, A. U. 318 \*, *Liv.* iv. 20., and the third by M. Claudius Marcellus, who slew Viridomārus, King of the Gauls, A. U. 530. *Liv. Epit.* xx. *Virg. Æn.* vi. 859. *Plutarch. in Marcello*; *Propert.* iv. 11.

Florus calls the spoils OPIMA, which Scipio Æmilianus, when in a subordinate rank, took from the King of the *Turdūli* and *Vaccæi* in Spain, whom he slew in single combat, ii. 17.; but the *Spolia Opima* could properly be obtained only by a person invested with supreme command, *Dio.* li. 24.

Sometimes soldiers, on account of their bravery, received a double share of corn (*duplex frumentum*), which they might give away to whom they pleased: hence called DUPLICARII, *Liv.* ii. 59. vii. 37. also double pay (*duplex stipendium*), clothes, &c. *Cæs. Bell. Civ.* iii. 53., called by Cicero DIARIA, *Att.* viii. 14.

## VI. A TRIUMPH.

THE highest military honour which could be obtained in the Roman state was a triumph, or solemn procession, with which a victorious general and his army advanced through the city to the Capitol; so called from *Θηλαμῶς*, the Greek name of Bacchus, who is said to have been the inventor of such processions, *Varro de Lat. Ling.* v. 7. *Plin.* vii. 56. s. 57. It had its origin at Rome, from Romulus carrying the *Spolia Opima* in procession to the Capitol, *Dionys.* ii. 34., and the first who entered the city in the form of a regular triumph was Tarquinius Priscus, *Liv.* i. 38., the next P. Valerius, *Liv.* ii. 7.; and the

\* “ The inscription discovered by Augustus on the linen breastplate of Tolumnius, stating that the consul Cossus had won these spoils (*Livy*, l. c.) is decisive evidence that he cannot have done so earlier than 327.” — *Nieb.* ii. p. 456.

first who triumphed after the expiration of his magistracy (*acto honore*), was Q. Publilius Philo, *Id.* viii. 26.

A triumph was decreed by the senate, and sometimes by the people against the will of the senate, *Liv.* iii. 63. vii. 17., to the general who, in a just war with foreigners (*justo et hostili bello*, Cic. *Dejot.* 5.) and in one battle had slain above 5000 enemies of the republic\*, and by that victory had enlarged the limits of the empire, *Val. Max.* ii. 8. Whence a triumph was called *Justus*, which was fairly won, *Cic. Pis.* 19. *Hor. Od.* i. 12. 54. And a general was said *triumphare*, et *agere vel deportare triumphum de vel ex aliquo; triumphare aliquem vel aliquid*, *Virg. Æn.* vi. 836. *Plin.* v. 5. *ducere, portare vel agere eum in triumpho*.

There was no just triumph for a victory in a civil war, *Val. Max.* ii. 8. 7. *Flor.* iv. 2. *Dio.* xlii. 18.; (hence *Bella geri placuit nullos habitura triumphos?* *Lucan.* i. 12.); although this was not always observed, *Liv. Epit.* 115, 116. 133. *Plin. Paneg.* 2. *Dio.* xliii. 19.; nor when one had been first defeated, and afterwards only recovered what was lost, *Oros.* iv.; nor anciently could one enjoy that honour, who was invested with an extraordinary command, as Scipio in Spain, *Liv.* xxviii. 38. xxxvi. 20.; nor unless he left his province in a state of peace, and brought from thence his army to Rome along with him, to be present at the triumph, *Liv.* xxvi. 21. xxxi. 49. xxxix. 29. xlv. 39. But these rules were sometimes violated, particularly in the case of Pompey, *Val. Max.* viii. 15. 8. *Dio.* xxxvii. 25.

There are instances of a triumph being celebrated without either the authority of the senate, or the order of the people, *Liv.* x. 37. *Oros.* v. 4. *Cic. Cæl.* 14. *Suet. Tib.* 2. *Val. Max.* v. 4. 6., and also when no war was carried on, *Liv.* xl. 38.

Those who were refused a triumph at Rome by public authority, sometimes celebrated it on the Alban mountain. This was first done by Papirius Naso, A. U. 522, *Val. Max.* iii. 6. 5., whom several afterwards imitated, *Liv.* xxvi. 21. xxxiii. 24. xlii. 21. xlv. 38.†

As no person could enter the city while invested with military command, generals, on the day of their triumph, were, by a particular order of the people, freed from that restriction (*Ut iis, quo die urbem triumphantes inveherentur, imperium esset*), *Liv.* xlv. 35.

The triumphal procession began from the *Campus Martius*, and went from thence along the *Via Triumphalis*, through the *Campus* and *Circus Flaminius* to the *Porta Triumphalis*, and thence through the most public places of the city to the Capitol.

The streets were strewed with flowers, and the altars smoked with incense, *Ovid. Trist.* iv. 2. 4.

\* “ This was expressly enacted by an old law: in support of which a second was afterwards provided, that made it penal for any of their triumphant commanders to make false returns of the number of slain on the enemy’s side or their own; and obliged them to take an oath, upon their entrance into the city, before the quaestors or public treasurers, as to the truth of their statements. In the latter period of the republic these laws, however, had become obsolete, and the honour of a triumph was usually granted, by intrigue or faction, to any general of credit who had gained some little advantage against pirates or fugitives, or repelled the incursions of wild barbarians who bordered on the distant provinces.” — *Middleton’s Life of Cic.* ii. 1.

† “ This appears to have occurred only five times, if we may credit the *Fasti Capitolini*, in which the names of the generals are recorded.” — *Anthon.*

First went musicians of various kinds, singing and playing triumphal songs; next were led the oxen to be sacrificed, having their horns gilt, and their heads adorned with fillets and garlands; then in carriages were brought the spoils taken from the enemy, statues, pictures, plate, armour, gold and silver, and brass; also golden crowns, and other gifts sent by the allied and tributary states, *Liv.* xxxiii. 24. xxxvii. 58. xxxix. 5. 7. xl. 43. xlv. 40. *Virg. Æn.* viii. 720. The titles of the vanquished nations were inscribed on wooden frames (*inferculis*), *Suet.* Jul. 37. *Cic. Off.* i. 36., and the images or representations of the conquered countries, cities, &c.\*, *Liv.* xxvi. 21. *Quinctil.* vi. 3. *Plin.* v. 5. *Ovid. Pont.* ii. 1. 37. iii. 4. 25. *Art. Am.* i. 220. *Flor.* iv. 2. The captive leaders followed in chains, with their children and attendants; after the captives came the lictors, having their *fascæ* wreathed with laurel, followed by a great company of musicians and dancers, dressed like satyrs, and wearing crowns of gold: in the midst of whom was a *Pantomime*, clothed in a female garb, whose business it was, with his looks and gestures, to insult the vanquished. — Next followed a long train of persons carrying perfumes (*suffimenta*). — Then came the general (DUX) dressed in purple embroidered with gold (*toga picta et tunica palmata*), with a crown of laurel on his head, *Liv.* ii. 47. x. 8. *Dionys.* v. 47. *Plin.* v. 39. xv. 30., a branch of laurel in his right hand, *Plut. in Æmil.*, and in his left an ivory sceptre, with an eagle on the top, *Juvenal.* x. 43., having his face painted with vermilion, in like manner as the statue of Jupiter on festival days, *Plin.* xxxiii. 7. s. 36., and a golden ball (*aurea bulla*) hanging from his neck on his breast, with some amulet in it, or magical preservative against envy, *Macrob. Sat.* i. 6.; standing in a gilded chariot (*stans in curru aurato*), adorned with ivory, *Ovid. Pont.* iii. 4. 35. *Juvenal.* v. 23. viii. 3., and drawn by four white horses, *Ovid. Art. Am.* i. 214., at least after the time of Camillus, *Liv.* v. 23.; sometimes by elephants [as Pompey was], *Plin.* viii. 2.; attended by his relations, *Suet. Tib.* 2. *Domit.* 2. *Cic. Muren.* 5., and a great crowd of citizens all in white, *Juvenal.* x. 45. His children used to ride in the chariot along with him, *Liv.* xlv. 40. *Appian. de Punic.*, and, that he might not be too much elated (*ne sibi placeret*), a slave, carrying a golden crown sparkling with gems stood behind him, who frequently whispered in his ear, REMEMBER THAT THOU ART A MAN! *Plin.* xxxiii. 1. s. 4. *Juvenal.* x. 41. *Zonar.* ii. *Tertull. Apolog.* 33. After the general, followed the consuls and senators on foot, at least accord-

\* “Messala first exhibited a picture of his victory over the Carthaginians. I. Scipio and others followed his example, *Plin. H. N.* xxxv. 4. Painters were in requisition to furnish the necessary ornaments of a triumph. The Athenians sent Metrodorus to Paulus Æmilius for that purpose, *Ibid.* c. 11. 134. Models of towns were displayed in the triumph of Scipio Asiaticus over Antiochus, *Liv.* xxxvii. 59. Mancinus was said to have owed his consulship to the enthusiasm excited among the people by a painting which represented his successful assault on Carthage, *Plin. H. N.* xxxv. 4. A large class of the symbols employed in the Roman coinage was suggested by conquest; such, for instance, as the designs accompanied by the legends, “allocutio,” “expeditio,” “trajectus,” &c., the figures emblematic of subjugated provinces, and the delineations of triumphal arches and public edifices.” — *Professor Anstice's Prize Essay*, p. 10. note. *Hor. Epist.* II. i. 193. “Captivum portatur ebur, captiva Corinthus.” Tacitus, *Ann.* ii. 41., speaking of the triumph of Germanicus: “Vecta spolia, captivi, simulacra montium, fluminum, præliorum.”



ing to the appointment of Augustus; for formerly they used to go before him, *Dio*. li. 21. His *legati* and military tribunes commonly rode by his side, *Cic. Pis.* 25.

The victorious army, horse and foot, came last, all in their order, crowned with laurel, and decorated with the gifts which they had received for their valour, singing their own and their general's praises, *Liv.* [iv. 20.] v. 49. xlv. 38.; but sometimes throwing out raileries against him, *Suet. Jul.* 49. 51. *Dionys.* vii. 72. *Martial.* i. 5. 3., often exclaiming, IO TRIUMPHÉ, in which all the citizens, as they passed along, joined, *Horat. Od.* iv. 2. 49. *Ovid. Trist.* iv. 2. 51. *Amor.* i. 2. 34.

The general, when he began to turn his chariot from the *Forum* to the Capitol, ordered the captive kings and leaders of the enemy to be led to prison, and there to be slain, *Cic. Verr.* v. 30. *Liv.* xxvi. 13. *Dio.* xl. 41. xliii. 19.; but not always, *Appian. de Bell. Mithrid.* 253. *Liv.* xlv. 41, 42.; and when he reached the Capitol, he used to wait till he heard that these savage orders were executed, *Joseph. de Bell. Jud.* vii. 24.

Then, after having offered up a prayer of thanksgiving to Jupiter and the other gods for his success, he commanded the victims to be sacrificed, which were always white, *Ovid. ibid.* from the river Clitumnus, *Virg. G.* ii. 146., and deposited his golden crown in the lap of Jupiter (*in gremio Jovis*), *Senec. Helv.* 10., to whom he dedicated part of the spoils, *Plin.* xv. 30. xxxv. 40. After which he gave a magnificent entertainment in the Capitol to his friends and the chief men of the city. The consuls were invited, but were afterwards desired not to come (*ut venire supersederent*), that there might be no one at the feast superior to the triumphant general, *Val. Max.* ii. 8. 6. After supper he was conducted home by the people with music and a great number of lamps and torches, *Dio.* xliii. 22. *Flor.* ii. 2. *Cic. Sen.* 13., which sometimes also were used in the triumphal procession, *Suet. Jul.* 37.

The gold and silver were deposited in the treasury, *Liv.* x. 46., and a certain sum was usually given as a donative to the officers and soldiers, who then were disbanded (*exauctorati et dimissi*), *Liv.* xxviii. 9. xxx. 45. xxxvi. 40.—The triumphal procession sometimes took up more than one day; that of Paulus Æmilius three, *Plutarch.*

When the victory was gained by sea, it was called a NAVAL TRIUMPH; which honour was first granted to Duilius, who defeated the Carthaginian fleet near *Lipdræ* in the first Punic war, A. U. 493, *Liv. Epit.* 17., and a pillar erected to him in the Forum, called COLUMNA ROSTRATA, *Quinctil.* i. 7. *Sil.* vi. 663., with an inscription, part of which still remains.\* [*Plin.* xxxiv. 11. *Virg. G.* iii. 29. *navali surgentes ære columnas.*]

When a victory had been gained without difficulty, or the like, *Gell.* v. 6., an inferior kind of triumph was granted, called OVATIO, in which the general entered the city on foot or on horseback, *Dio.* liv. 8., crowned with myrtle, not with laurel, *Plin.* xv. 29. s. 38., and instead of bullocks, sacrificed a sheep (*ovem*), whence its name, *Plut.*

\* See Burton's Description of the Antiq. of Rome, i. 148.



in *Marcell. Dionys.* v. 47. viii. 9. *Liv.* iii. 10. xxvi. 21. xxxi. 20. xxxiii. 28. xli. 28.\*

After Augustus, the honour of a triumph was in a manner confined to the emperors themselves, *Dio.* lxii. 19. 23., and the generals who acted with delegated authority under their auspices only received triumphal ornaments, a kind of honour devised by Augustus, *Suet. Aug.* 38. *Tib.* 9. *Dio.* liv. 24. 31.† Hence L. Vitellius, having taken Terracina by storm, sent a laurel branch in token of it (*lauream prosperę gestę rei*) to his brother, *Tacit. Hist.* iii. 77. As the emperors were so great, that they might despise triumphs, *Flor.* iv. 12. 53., so that honour was thought above the lot of a private person; such therefore usually declined it, although offered to them; as Vinicius, *Dio.* liii. 26., Agrippa, *Id.* liv. 11. 24., Plautius, *Id.* lx. 30. We read, however, of a triumph being granted to Belisarius, the general of Justinian, for his victories in Africa, which he celebrated at Constantinople, and which is the last instance of a triumph recorded in history, *Procop.* The last triumph celebrated at Rome was by Diocletian and Maximian, 20 Nov. A. D. 303. *Eutrop.* ix. 27., just before they resigned the empire, *Ib.* 28.

## VII. MILITARY PUNISHMENTS.

THESE were of various kinds, either lighter or more severe.

The lighter punishments, or such as were attended with inconvenience, loss, or disgrace, were chiefly these: 1. Deprivation of pay, either in whole or in part (*stipendio privari*), *Liv.* xl. 41., the punishment of those who were often absent from their standards (*INFREQUENTES*), *Plaut. Truc.* ii. 1. 19. A soldier punished in this manner was called *ÆRE DIRUTUS*, *Festus*. Whence Cicero facetiously applies this name to a person deprived of his fortune at play, *Verr.* v. 13., or a bankrupt by any other means, *Phil.* xiii. 12.—— 2. Forfeiture of their spears, *CENSIO HASTARIA*, *Festus*.—— 3. Removal from their tents (*locum in quo tenderent mutare*), *Liv.* xxv. 6.; sometimes to remain without the camp and without tents, *Liv.* x. 4., or at a distance from the winter-quarters, *Liv.* xxvi. 1. *Val. Max.* ii. 7. 15.—— 4. Not to recline or sit at meals with the rest (*cibum stantes capere*), *Liv.* xxiv. 16.—— 5. To stand before the *prætorium* in a loose jacket, *Suet. Aug.* 24. *Val. Max.* ii. 7. 9., and the centurions without their girdle (*discincti*), *Liv.* xxvii. 13., or to dig in that dress, *Plut. in Lucull.*—— 6. To get an allowance of barley instead of wheat (*hordeo pasci*), *Liv.* *ibid.* *Suet. Aug.* 24.—— 7. Degradation

\* “At the termination of the servile war (A. U. C. 682), M. Crassus had the honour of an ovation; for it was thought beneath the dignity of the republic to grant a full triumph for the conquest of slaves. Crassus, however, procured a special decree of the senate, authorising him to wear on the occasion the laurel crown, which was the proper ornament of the triumph, as myrtle was of the ovation. *Plut. in Crasso. In Pison.* 24.” — Middleton’s Life of Cic. i. 82.

† “*Tac. Ann.* i. 55. Decernitur Germanico triumphus (A. U. C. 768), ii. 64. Decrevere patres, ut Germanicus atque Drusus ovantes urbem introirent (A. U. C. 772). *Agric.* § 40., triumphalia ornamenta (Agricolæ) decerni jubet: in the notes on the latter passage, Agrippa is said to have been the first who declined a triumph. (See Brotier.)” — T. Among the *triumphalia insignia* was a statue in the forum decked with laurel, *Tac. Ann.* iv. 23. xv. 72. *Hist.* 79.

of rank (*gradûs dejectio*); an exchange into an inferior corps or less honourable service (*militiæ mutatio*), Val. Max. *ibid.* [Tac. Hist. i. 25.] — 8. To be removed from the camp (*a castris segregari*), and employed in various works, *Veget.* iii. 4., an imposition of labour (*munerum indictio*), or dismissal with disgrace (*ignominiosè mitti*), Hirt. de Bell. Afr. 54., vel EXAUCTORATIO, *Plin. Ep.* vi. 31. A. Gellius mentions a singular punishment, namely, of letting blood (*sanguinem mittendi*), x. 8. Sometimes a whole legion was deprived of its name, as that called AUGUSTA, *Dio.* liv. 11.

The more severe punishments were, 1. To be beaten with rods (*virgis cædi*), or with a vine sapling (*vite*), Val. Max. ii. 7. 4. Juvenal. viii. 247. — 2. To be scourged and sold as a slave, *Liv. Epit.* 55. — 3. To be beaten to death with sticks, called FUSTUARIUM, the bastinado, *Liv.* v. 6. *Cic. Phil.* iii. 6. *Polyb.* vi. 35., which was the usual punishment of theft, desertion, perjury, &c. When a soldier was to suffer this punishment, the tribune first struck him gently with a staff, on which signal, all the soldiers of the legion fell upon him with sticks and stones, and generally killed him on the spot. If he made his escape, for he might fly, he could not however return to his native country; because no one, not even his relations, durst admit him into their houses, *Polyb. ibid.* — 4. To be overwhelmed with stones (*lapidibus coöperiri*) and hurdles (*sub crate necari*), *Liv.* i. 51. iv. 50. — 5. To be beheaded (*securi percuti*), *Liv.* ii. 59. xxviii. 29. *Epit.* xv., sometimes crucified, *Liv.* xxx. 43., and to be left unburied, *Val. Max.* ii. 7. 15. — 6. To be stabbed by the swords of the soldiers, *Tacit. Annal.* i. 44., and, under the emperors, to be exposed to wild beasts, or to be burnt alive, &c.\*

Punishments were inflicted by the legionary tribunes and præfects of the allies, with their council; or by the general, from whom there was no appeal, *Polyb.* vi. 35.

When a number had been guilty of the same crime, as in the case of a mutiny, every tenth man was chosen by lot for punishment, which was called DECIMATIO, *Liv.* ii. 59. *Cic. Cluent.* 46. *Suet. Aug.* 24. *Galb.* 12. *Tacit. Hist.* i. 37. *Plutarch. in Crass.* *Dio.* xli. 35. xlvii. 42. xlix. 27. 38., or the most culpable were selected, *Liv.* xxviii. 29. Sometimes only the 20th man was punished, VICESIMATIO; or the 100th, CENTESIMATIO, *Capitolin. in Macrin.* 12.

## VIII. MILITARY PAY AND DISCHARGE.

THE Roman soldiers at first received no pay (*stipendium*) from the public. Every one served at his own charges.†

\* According to the Roman laws, soldiers could not be put to the torture, unless they were deserters to the enemy (*transfugæ*): "Is qui ad hostes transfugit et rediit, torquebitur, ad bestiasque, vel in furcam damnabitur; quamvis Milites nihil eorum patiantur:" *Leg.* iii. § 10. *D. de Re Militari.* Again: "Exauctorati torquentur; nam pro hoste non milite habentur:" *Leg.* vii. D.

† "Oftentimes, when the campaign was too long, the lands, especially those of the poorer plebeians, lay fallow. This occasioned borrowing, exorbitant usury, complaints, and seditions. To prevent these disorders, the senate decreed that, for the future, the infantry should have pay out of the public money, and that, to furnish this expense, a new tax should be raised, from which no citizen whatever should be

Pay was first granted to the foot, A. U. 347 [or 349], *Liv.* iv. 59., and [about] three years after, during the siege of Veji, to the horse, *Id.* v. 7. [*tum primum equis merere equites ceperunt*; to serve with their own horses].\*

It was in the time of the republic very inconsiderable, two *oboli* or three *asses* (about 2½*d.* English) a day to a foot-soldier, the double to a centurion, and the triple to an *eques*, *Polyb.* vi. 37. 39. *Plaut. Most.* ii. 1. 10. *Liv.* v. 12.† Julius Cæsar doubled it, *Suet. Jul.* 26. Under Augustus it was ten *asses* (7½*d.*), *Suet. Aug.* 42. *Tacit. Ann.* i. 17., and Domitian increased it still more, by adding three gold pieces annually, *Suet. Domit.* 7. What was the pay of the tribunes is uncertain; but it appears to have been considerable, *Jurenal.* iii. 132. The prætorian cohorts had double the pay of the common soldiers, *Dio.* liv. 25. *Tacit. ib.*

Besides pay, each soldier was furnished with clothes, and received a certain allowance (*dimensum*) of corn, commonly four bushels a month, the centurions double, and the *equites* triple, *Polyb.* vi. 37. But for these things a part of their pay was deducted, *Tacit. Ann.* i. 17. *Polyb. ibid.*

The allies received the same quantity of corn, except that the horse only received double of the foot. The allies were clothed and paid by their own states, *Polyb. ibid.*

Anciently there were no cooks permitted in the Roman army. The soldiers dressed their own victuals. They took food twice a day, at

exempt. When the senate could now keep in the field an army as long as they pleased, they began to enlarge their ideas of conquest. — During the war with the Veientes that immediately followed, the tribunes complained that this new pay was in reality the price of the people's liberty; and that the military tribunes, in detaining the soldiers in the camp during winter, had visibly no other end but to deprive the commons of so many votes. (*Liv.* v. 2.)" — *Hooke's R. H.* ii. 65.

\* "The Veientine war cannot have been the occasion on which the practice of giving the troops pay was first introduced: the *ærar*ians must undoubtedly have always continued to pay pensions to the infantry, as single women and minors did to the knights: the change consisted in this, that every legionary now became entitled to pay, whereas previously the number of pensions had been limited by that of the persons liable to be charged with them: hence the deficiency was supplied out of the *ærarium*, from the produce of the tithe, and when this failed, by a tribute levied even from those plebeians who were themselves bound to serve." — *Nieb.* ii. 438.

† "Not only is it utterly inconceivable that the paternal legislation which introduced the census should have allowed that, while the wealthiest knights were to receive pay, the infantry was to serve without any kind of wages; I can also bring forward unequivocal indications that both services were originally paid according to the same system. Polybius, it is well known, states the daily pay of a legionary to have been two obols, which, since he takes a drachm as equivalent to a denary, and since the latter, in paying the soldiers, even after the introduction of a small currency, was not reckoned, as in all other transactions, at 16 ases, but at 10, two obols are equal to 3½ ases, and in thirty days amount to 100. This is the *εἰσφορά* of 10 drachms that was levied by the last Tarquinius; that is to say, an order given to a foot-soldier for a month's pay. A knight's monthly pay, if his yearly pension of 2000 ases be divided by 12, does not come to any thing like an even sum: here, however, as in all calculations of payments in very remote times, we must have recourse to the year of 10 months, which gives us 200 ases a month; that is, just double the pay of the foot-soldier. The triple pay which the Roman knights received in aftertimes, and which was first introduced in 354 by the military tribune Cn. Cornelius Cossus (*Livy.* v. 12.), was undoubtedly designed as a compensation to those who served with their own horses; and it did not become general till later." — *Nieb.* ii. 439.

dinner and supper. A signal was publicly given for both. The dinner was a slight meal, which they commonly took standing. They indulged themselves a little more at supper. The ordinary drink of soldiers, as of slaves, was water mixed with vinegar, called *Posca*, *Plaut. Mil.* iii. 2. 23.\*

When the soldiers had served out their time (*stipendia legitima fecissent* vel *meruissent*), the foot twenty years, and the horse ten, they were called *EMERITI*, *Lucan.* i. 344., and obtained their discharge. This was called *MISSIO HONESTA* vel *JUSTA* [*Tac. Hist.* ii. 67.]. When a soldier was discharged for some defect or bad health, it was called *Missio CAUSARIA*; if, from the favour of the general, he was discharged before the just time, *Missio GRATIOSA*, *Liv.* xliii. 14.; on account of some fault, *IGNOMINIOSA*, *Hirt. de Bell. Afr.* 54. *D. de Re Milit.* l. 13.

Augustus introduced a new kind of discharge, called *EXAUCTORATIO*, by which those who had served sixteen campaigns were exempted from all military duty except fighting. They were however retained (*tenebantur*) in the army, not with the other soldiers under standards (*sub signis et aquilis*), but by themselves under a flag, (*sub vexillo seorsim*, *Tacit. Annal.* i. 36., whence they were called *VEXILLARII* or *Veterani*, sometimes also *SUBSIGNANI*, *Tacit. Hist.* i. 70.) till they should receive a full discharge and the rewards of their service (*præmia vel commoda militiæ*), either in lands or money, or both, *Suet. Aug.* 49. *Cat.* 44. *Cic. Phil.* ii. 40. *Virg. Ecl.* i. 71. ix. 2—5. *Horat. Sat.* ii. 6. 55., which sometimes they never obtained, *Tacit. Annal.* i. 17. *Suet. Tiber.* 48. *Dio.* liv. 25. *EXAUCTORARE* is properly to free from the military oath, to disband, *Liv.* viii. 34. xxv. 20. *Suet. Aug.* 24. *Vit.* 10.

## IX. METHOD OF ATTACKING AND DEFENDING TOWNS.

THE Romans attacked (*oppugnabant*) places either by a sudden assault, or if that failed (*si subito impetu expugnare non poterant*), they tried to reduce them by a blockade, *Cæs. B. G.* vii. 36.

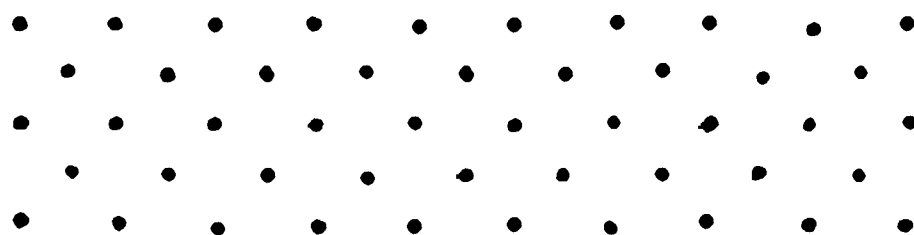
They first surrounded a town with their troops, (*coronâ cingebant*, vel *circumdabant*, *Liv.* vii. 27. xxiii. 44. xxiv. 2., *mœnia exercitu circumvenerunt*, *Sallust. Jug.* 57.) and by their missive weapons endeavoured to clear the walls of defendants (*nudare muros defensoribus*, vel *propugnatoribus*) [*Liv.* xxi. 11.]. Then, joining their shields in the form of a *testudo* or tortoise (*testudine factâ* v. *actâ*), *Liv.* xliv. 9. *Dio.* xlix. 30., to secure themselves from the darts of the enemy, they came up to the gates (*succedere portis*), and tried either to undermine (*subruere* vel *subfodere*) the walls, or to scale them, *Liv.* x. 43. xxvi. 45. xxxiv. 39. xliv. 9. *Cæs. B. G.* ii. 7. *Tacit. Hist.* iii. 28. 31. *Sallust. Jug.* 94.

\* "It would appear, that the name was sometimes applied to other sorts of liquor; for we are told by Suetonius, that Asiaticus, the favourite freedman of Vitellius, after he first quitted the emperor, had become a vender of *posca* at Puteoli; and it can hardly be supposed, that the mere mixing of vinegar and water could by itself have formed a distinct branch of trade." — *Henderson*, p. 73.

When a place could not be taken by storm, it was invested, *Liv. ii. 11.* Two lines of fortifications or intrenchments (*ascipitia munimenta vel munitiones*) were drawn around the place, at some distance from one another, called the lines of contravallation and circumvallation: the one against the sallies of the townsmen, and the other against attacks from without, *Liv. v. l. xxxviii. 4.*

These lines were composed of a ditch and a rampart, strengthened with a parapet and battlements (*lorica et pinnae*), and sometimes a solid wall of considerable height and thickness, flanked with towers or forts at proper distances round the whole.

At the foot of the parapet, or at its junction with the rampart (*ad commissuras pluteorum atque aggeris*) there sometimes was a palisade made of larger stakes cut in the form of stags' horns; hence called CERVI, to prevent the ascent of the enemy. Before that, there were several rows of trunks of trees, or large branches, sharpened at the ends (*præacutis cacuminibus*), called CIPPI, fixed in trenches (*fossæ*) above five feet deep. In front of these were dug pits (*scrobes*) of three feet deep, intersecting one another in the form of a *quincunx*, thus,



stuck thick with strong sharp stakes, and covered over with bushes to deceive the enemy, called LILIA. Before these, were placed up and down (*omnibus locis disserebantur*) sharp stakes about a foot long (*TALÆ*), fixed to the ground with iron hooks called STIMULI. In front of all these, Cæsar, at *Alesia*, made a ditch twenty feet wide, 400 feet from the rampart, which was secured by two ditches, each fifteen feet broad, and as many deep; one of them filled with water. But this was merely a blockade, without any approaches or attacks on the city, *Cæs. B. G. vii. 66, 67.*

Between the lines were disposed the army of the besiegers, who were thus said, *Urbem obsidione claudere vel cingere*, to invest.

The camp was pitched in a convenient situation to communicate with the lines.

From the inner line was raised a mount (*AGGER exstruebatur*), composed of earth, wood, hurdles (*CRATES*), and stone, which was gradually advanced (*promovebatur*) towards the town, always increasing in height, till it equalled or overtopped the walls. The mount which Cæsar raised against *Avaricum* or Bourges, was 330 feet broad, and 80 feet high, *Cæs. B. G. vii. 23.*

The *Agger* or mount was secured by towers, consisting of different stories (*turres contabulatæ*), from which showers of darts and stones were discharged on the townsmen by means of engines (*tormenta*), called CATAPULTÆ, BALISTÆ, and SCORPIONES, to defend the work and workmen (*opus et administros tutari*), *Sallust. Jug. 76.\** Of these

\* At the siege of Syracuse, Marcellus employed an enormous engine, mounted on eight galleys, called *sambuca*, from some resemblance to a musical instrument of that name, *Polyb. viii. 5.* Cæsar relates, that at the siege of Marseilles, the be-

towers Cæsar is supposed to have erected 1561 on his lines around Alesia, *Cæs. de Bell. G.* vii. 72. The labour and industry of the Roman troops were as remarkable as their courage.

There were also movable towers (*TURRES MOBILES* vel *AMBULATORIÆ*), which were pushed forward (*admovebantur* vel *adigebantur*) and brought back (*reducebantur*) on wheels, fixed below (*rotis subjectis*), on the inside of the planks, *Cæs. B. G.* ii. 31. v. 42. vii. 24. *Hirt. de Bell. Alex.* 2. *Liv.* xxi. 11.

To prevent them from being set on fire by the enemy, they were covered with raw hides (*coria*) and pieces of coarse cloth and mattresses (*centones* vel *cilicia*), *Cæs. de Bell. Civ.* ii. 10. They were of an immense bulk, sometimes thirty, forty, or fifty feet square, and higher than the walls, or even than the towers of the city [consisting of several stories, on which *catapultæ*, *balistæ*, and other warlike engines were ranged]. When they could be brought up to the walls, a place was seldom able to stand out long, *Liv.* xxi. 11. 14. xxxii. 17. xxxiii. 17.

But the most dreadful machine of all was the battering ram (*ARIES*), a long beam [often from 100 to 120 feet in length], like the mast of a ship, and armed at one end with iron in the form of a ram's head; whence it had its name. It was suspended by the middle with ropes or chains fastened to a beam that lay across two posts, and hanging thus equally balanced, it was by a hundred men, more or less (who were frequently changed), violently thrust forward, drawn back, and again pushed forward, till, by repeated strokes, it had shaken and broken down the wall with its iron head, *Veget.* iv. 14. *Liv.* xxi. 12. xxx. 32. 46. xxxii. 23. xxxviii. 5. *Joseph. de Bell. Jud.* iii. 9.

The ram was covered with sheds or mantlets, called *VINEÆ*, machines constructed of wood and hurdles, and covered with earth or raw hides, or any materials which could not easily be set on fire. They were pushed forwards by wheels below (*rotis subjectis agebantur* vel *impellebantur*), *Sallust. Jug.* 76. Under them the besiegers either worked the ram, or tried to undermine the walls, *Liv.* ii. 17. v. 7. x. 34. xxi. 7. 61. xxiii. 18.

Similar to the *Vineæ* in form and use were the *TESTUDINES*: so called, because those under them were safe as a tortoise under its shell, *Liv.* v. 5. *Cæs. B. G.* v. 41. 50. *de Bell. Civ.* ii. 2. 14.

Of the same kind were the *PLUTEI*, *Liv.* xxi. 61. xxxiv. 17. *Cæs. passim*; the *MUSCULUS*, *ibid.* &c.

These mantlets or sheds were used to cover the men in filling up the ditches, and for various other purposes, *Cæs. B. G.* vii. 58.\*

sieged propelled from the top of their walls, beams of twelve feet long, armed at one end by pointed iron heads, which pierced four ranks of stout hurdles and then stuck firmly into the earth.—*Bell. Civ.* ii. 2.

\* "The *tolleno* was a machine employed for raising a few soldiers higher than the top of the enemy's wall, to ascertain what was going on within them, and sometimes for taking possession of them, and thus facilitating the escalade. It was formed by a great pile driven into the ground, which served as a fulcrum to a long lever, which was placed across it and balanced. At one of its extremities was a light wooden or wicker case, capable of holding a certain number of men, who, when the opposite end was drawn down with cords, were raised so as to be enabled to look



When the nature of the ground would not permit these machines to be erected or brought forward to the walls, the besiegers sometimes drove a mine (CUNICULUM *agebant*) into the heart of the city, *Liv.* v. 19. 21., or in this manner intercepted the springs of water, *Hirt. de Bell. Gall.* viii. 41. 43.

When they only wished to sap the foundation of the walls, they supported the part to be thrown down with wooden props, which being consumed with fire, the wall fell to the ground.

In the mean time the besieged, to frustrate the attempts of the besiegers, met their mines with counter mines (*transversis cuniculis hostium cuniculos excipere*), *Liv.* xxiii. 18., which sometimes occasioned dreadful conflicts below ground, xxxviii. 7. The great object was to prevent them from approaching the walls (*apertos sc. ab hostibus vel Romanis, cuniculos morabantur, mœnibusque appropinquare prohibebant*), *Cæs. B. G.* vii. 22.

The besieged also, by means of mines, endeavoured to frustrate or overturn the works of the enemy, *Cæs. B. G.* iii. 21. vii. 22. They withdrew the earth from the mount (*terram ad se introrsus subtrahabant*), or destroyed the works by fires below, in the same manner as the besiegers overturned the walls, *Cæs. ibid. Joseph. de Bell. Jud.* iii. 12.

When they apprehended a breach would be made, they reared new walls behind, with a deep ditch before them. They employed various methods to weaken or elude the force of the ram, and to defend themselves against the engines and darts of the besiegers, *Liv.* xlii. 63. But these, and every thing else belonging to this subject, will be best understood by reading the accounts preserved to us of ancient sieges, particularly of Syracuse by Marcellus, *Liv.* xxiv. 33., of Ambracia by Fulvius, *Id.* xxxviii. 4., of Alesia by Julius Cæsar, *de Bell. Gall.* vii., of Marseilles by his lieutenants, *Cæs. B. Civ.* ii., and of Jerusalem by Titus Vespasian, *Joseph. de Bell. Jud.*

When the Romans besieged a town, and thought themselves sure of taking it, they used solemnly (*certo carmine*) to call out of it (EVOCARE) the gods, under whose protection the place was supposed to be, *Liv.* v. 21. Hence when Troy was taken, the gods are said to have left their shrines, *Virg. Æn.* ii. 351. For this reason, the Romans are said to have kept secret their tutelary god, and the Latin name of the city, *Plin.* iii. 5. s. 9. xxviii. 2. s. 4. *Macrob.* iii. 9.

The form of a surrender we have, *Liv.* i. 38. *Plaut. Amph.* i. 1. 71. 102., and the usual manner of plundering a city when taken, *Polyb.* x. 16.

## NAVAL AFFAIRS OF THE ROMANS.

NAVIGATION at first was very rude, and the construction of vessels extremely simple. The most ancient nations used boats made of

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over the walls or to mount upon them." — *Encyc. Metr.* art. *Artillery*. The same machine was used by Archimedes, in the siege of Syracuse, to raise the Roman galleys: an iron crow being let fall by a chain hung on one end of the lever, which stuck in their prows, *Livy*, xxiv. 34. xxxviii. 5.

trunks of trees hollowed (*ex singulis arboribus cavatis*), Virg. G. i. 126. 262. Plin. xvi. 41. Liv. xxvi. 26., called ALVEI, LINTRES, SCAPHÆ, *vel* MONOXYLA, *Paterc.* ii. 107. *Ovid. Fast.* ii. 407. *Liv.* i. 4. xxv. 3. *Plin.* vi. 23. *Strab.* iii. 155., or composed of beams and planks fastened together with cords or wooden pins, called RATES, *Festus*; or of reeds, called CANNÆ, *Juvenal.* v. 89., or partly of slender planks (*carinæ ac statumina*, the keel and ribs, *ex levi materiâ*), and partly of wicker hurdles or basket-work (*reliquum corpus navium viminibus contextum*), and covered with hides, as those of the ancient Britons, *Cæs. B. G.* i. 54. *Lucan.* iv. 131., and other nations, *Herodot.* i. 194. *Dio.* xlviii. 18., hence called NAVIGIA VITILIA, *corio circumscuta*, Plin. iv. 16. vii. 56., and *naves sutiles*, xxiv. 9. s. 40., in allusion to which, Virgil calls the boat of Charon, *Cymba sutilis*, *Æn.* vi. 414., somewhat similar to the Indian canoes, which are made of the bark of trees; or to the boats of the Icelanders and Esquimaux Indians, which are made of long poles placed crosswise, tied together with whale sinews, and covered with the skins of sea-dogs, sewed with sinews instead of thread.

The Phœnicians, or the inhabitants of Tyre and Sidon, are said to have been the first inventors of the art of sailing, as of letters and astronomy, *Plin.* v. 12. For Jason, to whom the poets ascribe it, *Ovid. Met.* vi. *vers ult. et Amor.* ii. 11. 1. *Lucan.* iii. 194., and the Argonauts, who first sailed under Jason from Greece to Colchis in the ship Argo, in quest of the golden fleece, that is, of commerce, flourished long after the Phœnicians were a powerful nation. But whatever be in this, navigation certainly received from them its chief improvements.

The invention of sails is by some ascribed to Æolus, the god of the winds, *Diodor.* v. 7., and by others to Dædalus; whence he is said to have flown like a bird through the air, *Virg. Æn.* vi. 15. They seem to have been first made of skins, which the *Venēti*, a people of Gaul, used even in the time of Cæsar, *B. G.* iii. 13., afterwards of flax or hemp; whence *lintea* and *carbasa* (sing. *-us*) are put for *vela*, sails. Sometimes clothes spread out were used for sails, *Tacit. Annal.* ii. 24. *Hist.* v. 23. *Juvenal.* xii. 66.

It was long before the Romans paid any attention to naval affairs. They at first had nothing but boats made of thick planks (*ex tabulis crassioribus*, *Festus*), such as they used on the Tiber, called NAVES CAUDICARIÆ; whence Appius Claudius, who first persuaded them to fit out a fleet, A. U. 489, got the surname of CAUDEX, *Senec. de Brev. Vitæ*, 13. *Varr. de Vit. Rom.* 11. They are said to have taken the model of their first ship of war from a vessel of the Carthaginians [A. U. C. 492], which happened to be stranded on their coasts, and to have exercised their men on land to the management of ships, *Polyb.* i. 20, 21. But this can hardly be reconciled with what Polybius says in other places, nor with what we find in Livy about the equipment and operations of a Roman fleet, *Liv.* ix. 30. 38.\* The first ships of

\* "Doubtless Polybius goes too far, when he affirms that the Romans had no ships before the first Punic war; the ancient treaties between Rome and Carthage, with which he himself presents us, evince the contrary; nay, it appears by the former part of this history, that they had ten ships of war at the time of the rupture with the Tarentines. And as to what he says of the loss the Romans would have

war were probably built from the model of those of *Antium*, which, after the reduction of that city, were brought to Rome, A. U. 417. *Liv.* viii. 14. It was not, however, till the first Punic war, that they made any figure by sea.

Ships of war were called NAVES LONGÆ, because they were of a longer shape than ships of burthen (*naves* ONERARIÆ, ὀναράδες, whence *hulls*; or *arcæ*, barks, *Isidor.* xix. 1.), which were more round and deep, *Cæs. B. G.* iv. 20. v. 7. The ships of war were driven chiefly by oars, the ships of burthen by sails, *Cæs. B. G.* iv. 25. *Cic. Fam.* xii. 15., and as they were more heavy (*graviores*) and sailed more slowly, they were sometimes towed (*remulco tractæ*) after the war ships, *Liv.* xxxii. 16.

Their ships of war were variously named from their rows or ranks of oars (*ab ordinibus remorum*). Those which had two rows or tiers were called *Birēmes* (*Dicrōta*, *Cic. Att.* v. 11. xvi. 4. vel *Dicrōta*, *Hirt. B. Alex.* 47.); three, *trirēmes*; four, *quadrirēmes*; five, *quinqvirēmes* vel *pentēres*.

The Romans scarcely had any ships of more than five banks of oars; and therefore those of six or seven banks are called by a Greek name, *Hexēres*, *Hepteres*, *Liv.* xxxvii. 23., and above them by a circumlocution, *naves, octo, novem, decem ordinum*, vel *versum*, *Flor.* iv. 11. Thus, *Livy* (xlv. 34.) calls a ship of sixteen rows (ἐκαίδεκῆρης, *Polyb.*) *navis ingentis magnitudinis, quam sexdecim versus remorum agebant*. This enormous ship, however, sailed up the Tiber to Rome, *ibid.* — The ships of Antony (which *Florus* says resembled floating castles and towns, iv. 11. 4.; *Virgil*, floating islands or mountains, *Æn.* viii. 691. So *Dio.* i. 33.) had only from six to nine banks of oars, *Flor.* iv. 4. *Dio* says from four to ten rows, i. 23.

There are various opinions about the manner in which the rowers sat. That most generally received is, that they were placed above one another in different stages or benches (*in transtris* vel *jugis*) on one side of the ship, not in a perpendicular line, but in the form of a *quinounx*. The oars of the lowest bench were short, and those of the other benches increased in length, in proportion to their height above the water. This opinion is confirmed by several passages in the classics, *Virg. Æn.* v. 119. *Lucan.* iii. 536. *Sil. Italic.* xiv. 424., and by the representations which remain of ancient galleys, particularly that on *Trajan's pillar* at Rome. It is, however, attended with difficulties not easily reconciled.

There were three different classes of rowers, whom the Greeks called *Thranitæ*, *Zeugitæ* or *Zeugioi*, and *Thalamitæ* or *-ioi*, from the different parts of the ship in which they were placed. The first sat in the highest part of the ship, next the stern; the second, in the middle; and the last in the lowest part, next the prow. Some think

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been at to build a fleet if they had not seized a Carthaginian vessel which happened to be stranded, he can only mean that, if this accident had not occurred, they would have either had no good model of a ship of war, or no model at all of a *quinquernis*. For he tells us in the very same part of his history, that some of the vessels in which they transported their troops the first time to Messana were *triremes* (and these were ships of war) borrowed from their neighbours the Tarentines, &c." — *Hooke's R. H.* ii. 465. In two months after this circumstance, it is also to be observed, they were in possession of a fleet of 100 *quinquernes* and 20 *triremes*.

that there were as many oars belonging to each of these classes of rowers, as the ship was said to have ranks or banks of oars: others, that there were as many rowers to each oar, as the ship is said to have banks; and some reckon the number of banks, by that of oars on each side. In this manner they remove the difficulty of supposing eight or ten banks of oars above one another, and even forty; for a ship is said by Plutarch and Athenæus to have been built by Ptolemy Philopator which had that number: So *Plin.* vii. 56. But these opinions are involved in still more inextricable difficulties.

Ships contrived for lightness and expedition (*naves ACTUARIÆ*) had but one rank of oars on each side (*simplice ordine agebantur*, *μωρήσεις*, *Tacit. Hist.* v. 23.), or at most two, *Cæs. B. G.* v. 1. *Lucan.* iii. 534. They were of different kinds, and called by various names; as, *Celoces*, i. e. *naves celeres vel cursoriæ*, *Lembi*, *Phaseli*, *Myoparones*, &c. *Cic. et Liv.* But the most remarkable of these were the *naves LIBURNÆ*, *Horat. Epod.* i. 1. [*"Liburnicæ*, *Tac. Agric.* 28." — *T. Ann.* xvi. 14.], a kind of light galleys used by the *Liburni*, a people of Dalmatia, addicted to piracy. To ships of this kind Augustus was in a great measure indebted for his victory over Antony at Actium, *Dio.* i. 29. 32. [*Hor. Od.* i. 37. 30.] Hence after that time the name of *naves LIBURNÆ* was given to all light quick-sailing vessels, and few ships were built but of that construction, *Veget.* iv. 33.

Ships were also denominated from the country to which they belonged, *Cæs. B. C.* iii. 5. *Cic. Verr.* v. 33., and the various uses to which they were applied; as *NAVES MERCATORIÆ*, *frumentariæ*, *vinariæ*, *oleariæ*; *PISCATORIÆ*, *Liv.* xxiii. 1. vel *lenunculi*, fishing boats, *Cæs. B. C.* ii. 39. *SPECULATORIÆ* et *exploratoriæ*, spy-boats, *Liv.* xxx. 10. xxxvi. 42. *PIRATICÆ* vel *prædatoriæ*, *Id.* xxxiv. 32. 36. *HIPPAGOGÆ*, vel *Hippagines*, for carrying horses and their riders, *Liv.* xlv. 28. *Gell.* x. 25. *Festus*. *TABELLARIÆ*, message-boats, *Senec. Epist.* 77. *Plaut. Mil. Glor.* iv. 1. 39. *VECTORIÆ* *GRAVESQUE*, transports and ships of burthen; *Annotinæ* *privateque*, built that or the former year for private use. Some read *annonariæ*, i. e. for carrying provisions, *Cæs. B. G.* v. 7. Each ship had its long-boat joined to it (*cymbulæ onerariis adhærescebant*), *Plin. Ep.* 8. 20.

A large Asiatic ship among the Greeks was called *CERCŪRUS*, *Plaut. Merc.* i. 1. 86. *Stich.* ii. 2. 84. iii. 1. 12., it is supposed, from the island Corcyra; but Pliny ascribes the invention of it to the Cyprians, vii. 56.

Galleys kept by princes and great men for amusement, were called by various names; *Triremes ceratæ* vel *æratæ*, *lusoriæ* et *cubiculatæ* vel *thalamēgi*, pleasure-boats or barges, *Senec. de Ben.* vii. 20., *Suet. Cæs.* 52., *privæ*, i. e. *propriæ et non meritoriæ*, one's own, not hired, *Horat. Ep.* i. 1. 92., sometimes of immense size, *Decēres* vel *decemremes*, *Suet. Cal.* 37.

Each ship had a name peculiar to itself inscribed or painted on its prow; thus, *PRISTIS*, *SCYLLA*, *CENTAURUS*, &c. *Virg. Æn.* v. 116., &c. called *PARASEMON*, its sign, *Herodot.* viii. 89. *Liv.* xxvii. 29., or *INSIGNE*, *Tacit. Ann.* vi. 34., as its tutelary god (*tutela* vel *tutelare numen*) was on its stern, *Ovid. Trist.* i. *El.* 3. v. 110. et *El.* 9. v. 1. *Heroid.* xvi. 112. *Pers.* vi. 30. *Sil. Ital.* xiv. 411. 439., whence that part of the ship was called *TUTELA* or *Cautela*, and held sacred by

the mariners, *Lucan.* iii. 501. *Senec. Epist.* 76. *Petron.* c. 105. There supplications and treaties were made, *Liv.* xxx. 36. *Sil. Ital.* xiii. 76.

In some ships the *tutela* and *καρδονη* were the same, *Serv. ad Virg. Æn.* v. 116. *Act. Apost.* xxviii. 11.

Ships of burthen used to have a basket suspended on the top of their mast as their sign (*pro signo*); hence they were called CORBITÆ, *Festus*, *Cic. Att.* xvi. 6. *Plaut. Pæn.* iii. 1. 4. 40.

There was an ornament in the stern and sometimes on the prow, made of wood, like the tail of a fish, called APLUSTRE, vel plur. -ia, from which was erected a staff or pole with a riband or streamer (*fascia vel tænia*) on the top, *Juvenal.* x. 136. *Lucan.* iii. 671.

The ship of the commander of a fleet (*navis prætoria*) was distinguished by a red flag (*vexillum vel velum purpureum*), *Tacit. Hist.* v. 22. *Plin.* xix. 1. *Cæs. B. C.* ii. 6., and by a light, *Flor.* iv. 8. *Virg. Æn.* ii. 256.

The chief parts of a ship and its appendages were, CARINA, the keel or bottom; *Statumina*, the ribs, or pieces of timber which strengthened the sides; PRORA, the prow or fore-part, and PUPPIS, the stern or hind-part; ALVEUS, the belly or hold of the ship: SENTINA, the pump, *Cæs. B. C.* iii. 25., or rather the bilge or bottom of the hold, where the water, which leaked into the ship, remained till it was pumped out (*donec per ANTLIAM exhauriretur*), *Cic. Fam.* ix. 15. *Sen.* 6. *Martial.* ix. 19. 4. *Suet. Tib.* 51., or the bilge-water itself, *Juvenal.* vi. 99., properly called NAUTEA, *Plaut. Asin.* v. 2. 44. *Nonius*, l. 25. In order to keep out the water, ships were besmeared with wax and pitch; hence called CERATÆ, *Ovid. Her.* v. 42.

On the sides (*latera*) were holes (*foramina*) for the oars (REMI, called also by the poets *tonsæ*, the broad part or end of them, *palma vel palmula*), and seats (*sedilia vel transtra*) for the rowers (REMIGES).

Each oar was tied to a piece of wood (*paxillus vel lignum teres*), called SCALMUS, by thongs or strings, called STROPPI vel *struppi*, *Isid.* xix. 4.; hence *scalmus* is put for a boat, *Cic. Off.* iii. 14. *Navicula duorum scalmorum*, a boat of two oars, *Cic. Orat.* ii. 34. *Actuaria*, sc. *navis*, *decem scalmis*, *Id. Att.* xvi. 3. *Quatuor scalmorum navis*, *Vell.* ii. 43. The place where the oars were put, when the rowers were done working, was called CASTERIA, *Plaut. Asin.* iii. 1. 16.

On the stern was the rudder (GUBERNACULUM vel *clavus*), and the pilot (*gubernator*) who directed it.

Some ships had two rudders, one on each end, and two prows, so that they might be moved either way without turning, *Tacit. Annal.* ii. 6., much used by the Germans, *Id. de Mor. G.* 44., and on the *Pontus Euxinus*, or Black Sea, called CAMARÆ, *Strab.* xi. 496., because in a swelling sea they were covered with boards like the vaulted roof of a house (*camæra* or *camëra*), *Tacit. Hist.* iii. 47. *Gell.* v. 25.; hence *Camaritæ*, the name of a people bordering on the Black Sea, *Eustath. ad Dionys.* 700.

On the middle of the ship was erected the mast (MALUS), which was raised (*attollebatur vel erigebatur*), *Cic. Verr.* v. 34. when the ship left the harbour, and taken down (*inclinabatur vel ponebatur*)

when it approached the land, *Virg. Æn. v. 829. Lucan. iii. 45.* The place where it stood was called *MODIUS*, *Isid. xix. 2.* The ships of the ancients had only one mast.

On the mast were fixed the sail-yards (*ANTENNÆ* vel *brachia*), and the sails (*VELA*) fastened by ropes (*funes* vel *rudentes*). *Immittere rudentes*, to loosen all the cordage; *pandere vela*, to spread the sails, *Plin. Ep. viii. 4.*

The sails were usually white, as being thought more lucky, *Ovid. Her. ii. 11. Catull. lxiv. 225, &c.*, sometimes coloured, *Plin. xix. 1. s. 5.*

The ends of the sail-yards were called *CORNUA*; from which were suspended two ropes called *PEDES*, braces, by pulling which towards the stern, the sails were turned to the right or left. If the wind blew obliquely from the left, they pulled the rope on the right, and so on the contrary: hence *facere pedem*, to trim or adjust the sails, *Virg. Æn. v. 830. Obliquat lævo pede carbasa*, he turns the sails so as to catch the wind blowing from the right, *Lucan. v. 428.*: so *obliquat sinus in ventum*, *Virg. Æn. v. 16. Currere utroque pede*, to sail with a wind right astern, or blowing directly from behind, *Catull. iv. 21. In contrarium navigare prolatis pedibus*, by tacking, *Plin. ii. 57. s. 48. Intendere brachia velis*, i. e. *vela brachiis*, to stretch the sails, or to haul them out to the yard-arms, *Virg. Æn. v. 829. Dare vela ventis*, to set sail, *Virg. Æn. iv. 546. So Vela facere*, *Cic. Verr. v. 34.*, or to make way, *Virg. Æn. v. 281. Subducere vela*, to lower the sails, *Sil. vi. 325. Ministrare velis*, vel -a, i. e. *attendere*, to manage, by drawing in and letting out the opposite braces (*adducendo et remittendo vel proferendo pedes*), *Virg. Æn. vi. 302. x. 218. Velis remis*, sc. *et*; i. e. *summa vi, manibus pedibusque, omnibus nervis*, with might and main\*, *Cic. ad Q. Fratr. ii. 14. Tusc. iii. 11. Off. iii. 33.*, but in the last passage the best copies have *viris equisque*; as *Phil. viii. 7. So remigio veloce*, *Plaut. Asin. 1. 3. 5.*; who puts *navales pedes* for *remiges et nautæ*, *Men. ii. 2. ult.*

The top-sails were called *SUPPARA velorum*, *Lucan. v. 429.*, or any appendage to the main-sail, *Stat. Sylv. ii. 2. 27. Senec. Ep. 77.*

*Carina, puppis*, and even *trabs*, a beam, are often put by the poets for the whole ship; but never *velum*, as we use *sail* for one ship or many; thus, *a sail, an hundred sail.*

The rigging and tackling of a ship, its sails, sail-yards, oars, ropes, &c. were called *ARMAMENTA*, *Plaut. Merc. i. 62.* Hence *arma* is put for the sails, *colligere arma jubet*, i. e. *vela contrahere*, *Virg. Æn. v. 15.*, and for the rudder, *spoliata armis*, i. e. *clavo*, *vi. 353.*

Ships of war (*naves longæ* vel *bellicæ*), and these only, had their prows armed with a sharp beak (*ROSTRUM*, oftener *plur. ROSTRA*), *Cæs. B. G. iii. 13. Sil. Ital. xiv. 480.*, which usually had three teeth or points, *Virg. Æn. v. 142. viii. 690.*, whence these ships were called *ROSTRATÆ*, and because the beak was covered with brass, *ÆRATÆ*, *Cæs. B. C. ii. 3. Horat. Od. ii. 16. 21. Plin. xxxii. 1.*

Ships, when about to engage, had towers erected on them, whence stones and missive weapons were discharged from engines, *Cæs. B. G. iii. 14. Flor. iv. 11. Plin. xxxii. 1. Plutarch. in Ant.*, called *PRO-*

\* Imitated by Milton, *P. L. ii. 942.* "Behoves him now both oar and sail."



PUGNACULA, *Flor.* ii. 2. *Horat. Epod.* i. 2., hence *turrita puppes*, *Virg. Æn.* viii. 693. [describing the battle of Actium]. Agrippa invented a kind of towers which were suddenly raised, *Serv. in Virg.* Towers used also to be erected on ships at sieges and at other times, *Liv.* xxiv. 34. *Tacit. Ann.* xv. 9. *Sil. Ital.* xix. 418.

Some ships of war were all covered (*tectæ vel constratæ*, κατὰσπαστοι; quæ κατασπράματα, *tabulata vel constrata habebant*, decks); others uncovered, (*apertæ*, ἀσπαστοι, v. -a,) *Cic. Att.* v. 11, 12. vi. 8. 12., except at the prow and stern, where those who fought stood, *Liv.* xxx. 43. xxxvi. 42. *Cæs. passim.* *Cic. Verr.* v. 34.

The planks or platforms (*tabulata*) on which the mariners sat or passed from one part of the ship to another, were called FORI, gangways (*ab eo quod incessus ferant*), *Serv. ad Virg. Æn.* iv. 605. vi. 412. *Cic. Sen.* 6., and the helps to mount on board, PONTES vel SCALÆ (*πυλάρις vel κλίμακας*), *Virg. Æn.* x. 288. 654. 658. *Stat. Sylv.* iii. 2. 55. Some take *fori* for the deck (STEGA, -æ, *Plaut. Bacch.* ii. 3. 44. *Stich.* iii. 1. 12.), others for the seats. It is at least certain they were both in the top of the ship and below, *Sil.* xiv. 425. *Lucan.* iii. 630. We also find *forus*, sing., *Gell.* xvi. 19.

The anchor (ANCHORA), which moored or fastened (*fundabat vel alligabat*) the ships, was at first of stone, sometimes of wood filled with lead, but afterwards of iron. It was thrown (*jaciebatur*) from the prow, *Virg. Æn.* vi. ult., by a cable, and fixed in the ground, while the ship stood (or, as we say, rode) at anchor (*ad anchoram vel in anchorâ stabat*), *Cæs. B. G.* v. 10., and raised (*tollebatur vel vellebatur*) when it sailed, *Id.* iv. 23.; sometimes the cable (*anchore vel anchora*) was cut (*præcidebatur*), *Liv.* xxii. 19. *Cic. Verr.* v. 34. The *Venēti* used iron chains instead of ropes, *Cæs. B. G.* iii. 13.

The plummet for sounding depths (*ad altitudinem maris explorandam*) was called BOLIS or *Catæpirâtes*, *Isid.* xix. 4., or MOLYBDIS, -idis, as Gronovius reads, *Stat. Sylv.* iii. 2. 30.

The ropes by which a ship was tied to land were called RETINACULA, *Virg. Æn.* iv. 580., or ORÆ, *Liv.* xxii. 19. xxviii. 36., or simply FUNES, *Virg. Æn.* iii. 639. 667. Hence *Oram solvere*, to set sail, *Quintil. Ep. ad Tryph.* & iv. 2. 41.

The ancients had ropes for girding a ship in a storm, *Horat. Od.* i. 14. *Act. Apost.* xxvii. 17., which are still used. They had also long poles (*conti, perticæ, rudēs vel trudes*), to push it off rocks and shoals, *Virg. Æn.* v. 208.

Sand, or whatever was put in a ship to keep it steady, was called SABURRA, ballast, *Liv.* xxxvii. 14. *Virg. G.* iv. 195.

Ships were built (*œdificabantur*) of fir (*abies*), *Virg. G.* ii. 68., alder (*alnus*, *Lucan.* iii. 440., whence *alni*, ships, *ib.* ii. 427.), cedar, pine, and cypress, *Veget.* iv. 34., by the *Venēti*, of oak (*ex robore*), *Cæs. B. G.* iii. 13., sometimes of green wood; so that a number of ships were put on the stocks (*positæ*), completely equipped and launched (*instructæ v. ornataæ armatæque in aquam deductæ sint*), in forty-five days after the timber was cut down in the forest, *Liv.* xxviii. 45., by Cæsar, at Arles, against the people of Marseilles, in thirty days, *de Bell. Civ.* i. 34. See *Plin.* xvi. 39. s. 74.

There was a place at Rome beyond the Tiber, where ships lay and were built, called NAVALIA, plur. -ium, the dock, *Liv.* iii. 26. viii. 14. xl. 51.

As the Romans quickly built fleets, they as speedily manned them. Freedmen and slaves were employed as mariners or rowers (*nautæ vel remiges*), who were also called SOCII NAVALES, *Liv.* xxi. 49, 50. xxii. 11. xxvi. 17.; and CLASSICI, xxvi. 48. *Curt.* iv. 3. 18. The citizens and allies were obliged to furnish a certain number of these, according to their fortune, and sometimes to supply them with provisions and pay for a limited time, *Liv.* xxiv. 11. xxvi. 35.\*

The legionary soldiers at first used to fight at sea as well as on land. But when the Romans came to have regular and constant fleets, there was a separate kind of soldiers raised for the marine service (*milites in classem scripti*), *Liv.* xxii. 57., who were called CLASSIARII, or EPIBATÆ, *Cæs. passim. Suet. Galb.* 12. *Tacit. Annal.* xv. 51.; but this service was reckoned less honourable than that of the legionary soldiers, *Suet. ibid. Liv.* xxxii. 23. *Tacit. Hist.* i. 87., sometimes performed by manumitted slaves, *Suet. Aug.* 16. The rowers also were occasionally armed, *Liv.* xxvi. 48. xxxvii. 16.

The allies and conquered states were in after-times bound to furnish a certain number of ships completely equipped and manned, *Cic. Verr.* v. 17. &c. *Liv.* xxxvi. 43. xlii. 48. Some only stores, arms, tackling, and men, xxviii. 45.

Augustus stationed a fleet on the Tuscan sea at *Misēnum*, where Agrippa made a fine harbour called PORTUS JULIUS, *Suet. Aug.* 16., by joining the *Lucrine* lake and the *lacus Avernus* to the bay of *Bajæ* (*sinus Bajanus*, *Suet. Ner.* 27., vel *lacus Bajanus*, *Tacit. Ann.* xiv. 4.), *Dio.* xlviii. 50. *Virg. G.* ii. 163. [*Hor. A. P.* 65.], and another on the Hadriatic at *Ravenna*, *Suet. Aug.* 49. *Tacit. Ann.* iv. 5. *Veget.* iv. 31., and in other parts of the empire, *Tacit. Hist.* i. 58. ii. 88. iv. 79., also on rivers, as the Rhine and Danube, *Tacit. Annal.* xii. 30. *Flor.* iv. 12. 26.

The admiral of the whole fleet was called DUX PRÆFECTUSQUE CLASSIS. *Cic. Verr.* v. 34., and his ship, NAVIS PRÆTORIA, *Liv.* xxix. 25., which in the night-time had, as a sign (*signum nocturnum*), three lights, *Ibid.*

At first the consuls and prætors used to command the fleets of the republic, or some one under them; as Lælius under Scipio, *Liv.* xxvii. 42. xxix. 25.

The commanders of each ship were called NAVARCHI, *Cic. Verr.* iii. 80. v. 24., or TRIERARCHI, i. e. *præfecti triērīs vel triremis navis*, *Cic. Verr.* i. 20. *Tacit. Hist.* ii. 8. *Suet. Ner.* 34., or MAGISTRI NAVIUM, *Liv.* xxix. 25. The master or proprietor of a trading vessel, NAUCLÉRUS, *Plaut. Mil.* iv. 3. 16. NAVICULATOR, vel -ARIUS, *Cic. Fam.* xvi. 9. *Att.* ix. 3. *Verr.* ii. 55. *Manil.* 5., who, when he did not go to sea himself, but employed another to navigate his ship, was said, *Navicularium*, sc. *rem, facere*, *Cic. Verr.* v. 18.

The person who steered the ship and directed its course was called

\* In the Sicilian expedition undertaken during the second Punic war (A. U. C. 589), the expense of manning and equipping the fleet was defrayed by a tax imposed upon the rich. Each head of a family, who by the Censors' register was found worth from 50,000 to 100,000 asses, was obliged to maintain a rower or a sailor at his own expense for six months; and the more wealthy, three, five, seven, in proportion to their riches. The Senators were obliged each to maintain eight sailors for a whole year. *Liv.* xxxiv. 11.

GUBERNATOR, the pilot, sometimes also MAGISTER, *Virg. Æn.* v. 176. *Sil.* iv. 719., or RECTOR, *Lucan.* viii. 167. *Virg. Æn.* iii. 161. 176. He sat at the helm, *Cic. Sen.* 6. ; on the top of the stern, dressed in a particular manner, *Plaut. Mil.* iv. 4. 41. 45., and gave orders about spreading and contracting the sails (*expandere vel contrahere vela*), plying or checking the oars (*incumbere remis vel eos inhibere*), &c. *Virg. Æn.* v. 12. x. 218. *Cic. Orat.* i. 33. *Att.* xiii. 21.

It was his part to know the signs of the weather, to be acquainted with ports and places, and particularly to observe the winds and the stars, *Ovid. Met.* iii. 592. *Lucan.* viii. 172. *Virg. Æn.* iii. 201. 269. 513. For as the ancients knew not the use of the compass, they were directed in their voyages chiefly by the stars in the night-time, *Horat. Od.* ii. 16. 3., and in the day-time by coasts and islands which they knew. In the Mediterranean, to which navigation was then chiefly confined, they could not be long out of the sight of land. When overtaken by a storm, the usual method was to drive their ships on shore (*in terram agere vel ejicere*), and when the danger was over to set them afloat again, by the strength of arms and levers. In the ocean they only cruised along the coast.

In some ships there were two pilots, *Ælian.* ix. 40., who had an assistant called PRORETA, *Plaut. Rud.* iv. 3. 75. i. e. *Custos et tutela proræ*, who watched at the prow, *Ovid. Met.* iii. 617.

He who had command over the rowers was called HORTATOR and PAUSARIUS (κίλευστής), *Plaut. Merc.* iv. 2. 4. *Senec. Epist.* 56. *Ovid. ibid.*, or PORTISCVLUS, *Plaut. Asin.* iii. 1. 15. *Festus*, which was also the name of the staff or mallet with which he excited or retarded them (*celeusmata vel hortamenta dabat*), *Plaut. Asin.* iii. 1. 15. *Isid. Orig.* xix. 12. He did this also with his voice in a musical tone, that the rowers might keep time in their motions, *Serv. ad Virg. Æn.* iii. 128. *Sil.* v. 360. *Valer. Flacc.* i. 460. *Martial.* iii. 67. iv. 64. *Quintil.* i. 10. 16. *Stat. Theb.* vi. 800. *Ascon. in Cic. divin.* 17. Hence it is also applied to the commanders, *Dio.* l. 32. Those who hauled or pulled a rope, who raised a weight, or the like, called HELCIARII, used likewise to animate one another with a loud cry, *Martial. ibid.*, hence *Nauticus clamor*, the cries or shouts of the mariners, *Virg. Æn.* iii. 128. v. 140. *Lucan.* ii. 688.

Before a fleet (CLASSIS) set out to sea, it was solemnly reviewed (*lustrata est*) like an army, *Cic. Phil.* xii. 3. ; prayers were made and victims sacrificed, *Liv.* xxix. 27. xxxvi. 42. *Appian. Bell. Civ.* v. *Virg. Æn.* iii. 118. v. 772. *Sil.* xvii. 48. The auspices were consulted, *Val. Max.* i. *Hor. Epod.* x. 1. 16. 24., and if any unlucky omen happened, as a person sneezing on the left, or swallows alighting on the ships, &c., the voyage was suspended, *Polyæn.* iii. 10. *Frontin.* i. 12.

The mariners, when they set sail or reached the harbour, decked the stern with garlands, *Virg. Æn.* iv. 418. *G.* i. 303.

There was great labour in launching (*in deducendo*) the ships, *Virg. Æn.* iv. 397., for as the ancients seldom sailed in winter, their ships during that time were drawn up (*subductæ*) on land, *Horat. Od.* i. 4. 2. *Virg. Æn.* i. 555., and stood on the shore, *Id. Æn.* iii. 135. 177.

They were drawn to sea by ropes and levers (*rectibus*), with rollers

placed below (*cylindris lignisque teretibus et rotundis subjectis*), called PALANGES, vel *-gæ*, *Cæs. B. C.* ii., or SCUTULÆ, *Ibid.* iii. 34., and according to some, *lapsus rotarum*; but others more properly take this phrase for *rotæ labentes*, wheels, *Virg. Æn.* ii. 236.

Archimedes invented a wonderful machine for this purpose, called HELIX. *Athen.* v. *Plutarch. in Marcell.* — *Sil. Ital.* xiv. 352.

Sometimes ships were conveyed for a considerable space by land, *Liv.* xxv. 11. *Sil.* xii. 441. *Suet. Cal.* 47., and for that purpose they were sometimes so made, that they might be taken to pieces, *Curt.* viii. 10. *Justin.* xxxii. 3., a practice still in use. Augustus is said to have transported some ships from the open sea to the Ambracian gulf near Actium, on a kind of wall covered with raw hides of oxen, *Dio.* l. 12.; in like manner over the Isthmus of Corinth, *Id.* li. 5, *Strab.* viii. 335. So Trajan, from the Euphrates to the Tigris, *Id.* xlviii. 28.

The signal for embarking was given with the trumpet, *Lucan.* ii. 690. They embarked (*conscendebant*) in a certain order, the mariners first and then the soldiers, *Liv.* xxix. 25. xxii. 16. They also sailed in a certain order, *Virg. Æn.* v. 833., the light vessels usually foremost, then the fleet or ships of war, and after them the ships of burden. But this order was often changed, *Liv. passim*.

When they approached the place of their destination, they were very attentive to the objects they first saw, in the same manner as to omens at their departure, *Virg. Æn.* iii. 537. *Liv.* xxix. 27. xxx. 25.

When they reached the shore (*terram oppulerant*), and landed (*exposuerant*) the troops, prayers and sacrifices again were made, *Liv.* xxxvii. 14. 47.

If the country was hostile, and there was no proper harbour, they made a naval camp (*castra navalia vel nautica*), and drew up their ships on land (*subducebant*), *Liv.* xxx. 9, 10. xxiii. 28. *Cæs. B. G.* iv. 21. They did so, especially if they were to winter there, *Liv.* xxxvi. 45. xxxviii. 8. But if they were to remain only for a short time, the fleet was stationed in some convenient place (*ad anchoram stabat, vel in statione tenebatur*), not far from land, *Liv.* xxxi. 23. xxxvii. 15. xxiv. 17. *Cæs. B. C.* iii. 6. iv. 21. *B. Alex.* 25.

Harbours (PORTUS) were most strongly fortified, especially at the entrance (*aditus vel introitus*; *os, ostium, vel fauces*, *Virg. Æn.* i. 404. *Cic. et Liv.*). The two sides of which, or the piers, were called CORNUA, *Cic. Att.* ix. 14. *Lucan.* ii. 615. 706., or BRACHIA, *Plin. Ep.* vi. 31. *Suet. Claud.* 20. *Liv.* xxxi. 26.; on the extremities were erected bulwarks and towers, *Vitruv.* v. 11. There was usually also a watch-tower (PHAROS, plur. *-i*), *Ibid.*, with lights to direct the course of ships in the night-time, as at Alexandria in Egypt, *Cæs. B. C.* iii. ult. *Plin.* xxxvi. 12., at Ostia and Ravenna, *Ibid.*, at Capreæ, Brundisium, and other places, *Suet. Tib.* 74. *Cal.* 46. *Stat. Sylv.* iii. 5. 100. A chain sometimes was drawn across as a barrier or boom (*claustrum*), *Frontin. Stratagem.* i. 5, 6.

Harbours were naturally formed at the mouths of rivers; hence the name of OSTIA at the mouth of the Tiber [the harbour of Rome, built by Ancus Martius], *Serv. ad Virg. Æn.* v. 281. *Liv.* i. 33. xxvi. 19. *Dionys.* iii. 45. Ovid calls the seven mouths of the Nile, *septem PORTUS*, *Her.* xiv. 107. *Amor.* ii. 13. 10.

Harbours made by art (*manu vel arte*) were called **COTHONES**, vel -NA, -orum, Serv. ad Virg. *Æn.* i. 431. Festus.

Adjoining to the harbour were docks (**NAVALIA**, -ium), where the ships were laid up (*subductæ*), careened and refitted (*refectæ*), Cic. Off. ii. 17. Liv. xxxvii. 10. Cæs. B. C. ii. 3, 4. Virg. *Æn.* iv. 593. Ovid. Amor. ii. 9. 21.

Fleets about to engage were arranged in a manner similar to armies on land. Certain ships were placed in the centre (*media acies*), others in the right wing (*dextrum cornu*), and others in the left; some as a reserve (*subsidio, naves subsidiariæ*), Hirt. de Bell. Al. 10. Liv. xxxvii. 23. 29. xxxvi. 44. We find them sometimes disposed in the form of a wedge, a *forceps*, and a circle, *Polyb.* i. *Polyæn.* iii. *Thucyd.* ii., but most frequently of a semicircle or half-moon, *Veget.* iv. 45. *Sil.* xiv. 370.

Before the battle, sacrifices and prayers were made as on land; the admiral sailed round the fleet in a light galley (*navis actuaria*), and exhorted the men.

The soldiers and sailors made ready (*se expediebant*) for action; they furled the sails and adjusted the rigging; for they never chose to fight but in calm weather, *Liv.* xxvi. 39.

A red flag was displayed from the admiral's ship, as a signal to engage. The trumpets in it and all the other ships were sounded, *Sil.* xiv. 372., and a shout raised by all the crews, *Lucan.* iii. 540. *Dio.* xlix. 9.

The combatants endeavoured to disable or sink the ships of the enemy, by sweeping off (*detergendo*) the oars, or by striking them with their beaks, chiefly on the sides, *Dio.* l. 29. They grappled with them by means of certain machines called crows (**CORVI**), iron hands or hooks (**FERREÆ MANUS**), *Lucan.* iii. 635., drags or grappling irons (**HARPAGONES**, i. e. *asserēs ferreo unco præfixi*), &c. and fought as on land, *Flor.* ii. 2. *Liv.* xxvi. 39. xxx. 10. Cæs. B. G. i. 52. *Curt.* iv. 9. *Lucan.* xi. 712. *Dio.* xxxix. 43. xlix. 1. 3. &c. [*Polyb.* i. 22.] They sometimes also employed fire-ships, *Hirt. B. Alex.* 11., or threw firebrands, and pots full of coals and sulphur, with various other combustibles, *Stuppea flamma manu, telisque volatile ferrum spargitur*, Virg. *Æn.* viii. 694., which were so successfully employed by Augustus at the battle of Actium, that most of Antony's fleet was thereby destroyed, *Dio.* l. 29. 34. 35. Hence *Vix una sospes navis ab ignibus*, Horat. Od. i. 37. 13.

In sieges they joined vessels together, and erected on them various engines, *Curt.* iv. 13. *Liv.* xxiv. 34. xxvi. 26. Cæs. B. C. iii. 34., or sunk vessels to block up their harbours, *Ibid. et Liv.* xxxv. 11. 14.

The ships of the victorious fleet, when they returned home, had their prows decked with laurel, and resounded with triumphant music. *Dio.* li. 5.

The prizes distributed after a victory at sea were much the same as on land. (See p. 334.) Also naval punishments, pay, and provisions, &c. *Liv.* xxiii. 21. 48.

The trading vessels of the ancients were in general much inferior in size to those of the moderns. Cicero mentions a number of ships of burden, none of which was below 2000 *amphoræ* (*quarum minor nulla erat duûm millium amphorûm*), i. e. about fifty-six tons, which he

seems to have thought a large ship, *Cic. Fam. xii. 15.* There were, however, some ships of enormous bulk. One built by Ptolemy is said to have been 280 cubita, i. e. 420 feet long, and another 300 feet; the tonnage of the former 7182, and of the latter, 3197, *Athenæus.* The ship which brought from Egypt the great obelisk that stood in the *Circus* of the Vatican in the time of Caligula, besides the obelisk itself, had 120,000 *modii* of *lentes*, lentiles, a kind of pulse, for ballast, about 1138 tons, *Plin. xvi. 40. s. 76.*

## CUSTOMS OF THE ROMANS.

### 1. THE ROMAN DRESS.

THE distinguishing part of the Roman dress was the TOGA or gown, as that of the Greeks was the *Pallium*, *Suet. Aug. 98.*, and of the Gauls, *Braccæ*, breeches, *Suet. Jul. 80. Claud. 15. Plin. Epist. v. 11.*, whence the Romans were called GENS TOGATA, *Virg. Æn. i. 286. Suet. Aug. 40.*, or TOGATI, *Cic. Rosc. Am. 46. Verr. i. 29. ii. 62. Orat. i. 24. iii. 11. Sallust. Jug. 21. Tacit. Hist. i. 1.* Greeks, or in general those who were not Romans, *PA Cas. 4. 8. Cic. Rabir. Post. 9. Phil. v. 5.*, and *G* when admitted into the rights of citizens, was called *Phil. viii. 9.* Hence also *Fabulæ Togatæ et Palliatæ.* As the *toga* was the robe of peace, *togati* is often opposed to *armati*, *Liv. iii. 10. 50. iv. 10. Cic. Cæcin. 15. Off. i. 23.* *P* was chiefly worn in the city (*ibi, sc. rure, nulla necesse est*, *Ep. v. 6.*) it is sometimes opposed to *Rustici*, *Plin. vi. 30.*

The Romans were particularly careful in foreign countries always to appear dressed in the *toga*, *Cic. Rabir. 10.*, but this was not always done. Some wore the Greek dress; as Scipio in Sicily, *Tac. Ann. ii. 59.* So the Emperor Claudius at Naples, *Dio. lxvi. 6.*

The TOGA (*a tegendo, quod corpus tegat*, Varro) was a loose (*laxa*), flowing (*fluitans*), woollen robe, which covered the whole body, round and close at the bottom (*ab imo*), but open at the top down to the girdle (*ad cincturam*), without sleeves; so that the right arm was at liberty, and the left supported a part (*lacinia*, a flap or lappet) of the *toga*, which was drawn up (*subducebatur*) and thrown back over the left shoulder, and thus formed what was called SINUS, a fold or cavity upon the breast, in which things might be carried, *Plin. xv. 18. Gell. iv. 18.*, and with which the face or head might be covered, *Suet. Jul. 82. Liv. viii. 9.* Hence Fabius, the Roman ambassador, when he denounced war in the senate of Carthage, is said to have poured out (*sinum effudisse*), *Liv. xxi. 18.*, or shaken out the lap of his *toga* (*excussisse togæ gremium*), *Flor. ii. 6.* Dionysius says the form of the *toga* was semicircular, *iii. 61.*

The *toga* in later times had several folds, but anciently few or none (*veteribus nulli sinus*), *Quintilian. xi. 3. [131. 138. 140.]* These folds, when collected in a knot or centre, *Virg. Æn. i. 324.*, were called UMBO, which is put for the *toga* itself, *Pers. v. 33.*

When a person did any work, he tucked up (*succingebat*) his *toga*, and girded it (*astringebat*) round him: hence *Accingere se operi vel ad*



*opus*, or oftener, in the passive, *accingi*, to prepare, to make ready. See p. 69.

The *toga* of the rich and noble was finer and larger (*laxior*) than of the less wealthy, *Horat. Epod. iv. 8. Epist. i. 18. 30.* A new *toga* was called *Pexa*, when old and thread-bare, *trita*, *Id. Ep. i. 95. Martial. ii. 44. 58.*

The Romans were at great pains to adjust (*componere*) the *toga*, that it might sit properly (*ne impar dissiderit*) and not draggle (*ne deflueret*), *Horat. Sat. ii. 3. 77. i. 3. 31. Epist. i. 1. 95. Quinctil. xi. 3. Macrob. Sat. ii. 9.*

The form of the *toga* was different at different times. The Romans at first had no other dress, *Gell. vii. 12.* It was then straight (*arcta*) and close; it covered the arms and came down to the feet, *Quinctil. ibid.*

The *toga* was at first worn by women as well as men. But afterwards matrons wore a different robe [a purple tunic, with sleeves, *manicata*], called *STOLA*, with a broad border or fringe [of gold] (*limbus*) called *INSTITA*, *Horat. Sat. i. 2. 29.*, reaching to the feet, *Ovid. Art. Am. i. 32. Tibull. i. 7. 74.* (whence *instita* is put for *matrona*, *Ovid. Art. Am. ii. 600.*) and also, as some say, when they went abroad, a loose outer robe thrown over the *stola* like a surtout, a mantle, or cloak, called *PALLA*, or *Peplus*, *Hor. ib. 99.* But the old scholiast on Horace makes *palla* here the same with *instita*, and calls it *Peripodium* and *Tunica pallium*. Some think, that this fringe constituted the only distinction between the *stola* and *toga*. It is certain, however, that the outer robe of a woman was called *PALLA*, *Virg. Æn. i. 648. xi. 576.* (*quòd palàm et foris gerebatur*, *Varr. de Lat. Ling. iv. 30.*)

Courtezans, and women condemned for adultery, were not permitted to wear the *stola*; hence called *TOGATÆ*, *Horat. Sat. i. 2. 82. Juvenal. ii. 70. Martial. ii. 39. vi. 64. x. 52. Cic Phil. ii. 18.*, and the modesty of matrons is called *Stolatus pudor*, *Mart. i. 36. 8.*

There was a fine robe of a circular form worn by women, called *CYCLAS*, -*adis*, *Juvenal. vi. 258. Suet. Cal. 52.*

None but Roman citizens were permitted to wear the *toga*; and banished persons were prohibited the use of it, *Plin. Epist. iv. 11.* Hence *toga* is put for the dignity of a Roman, *Horat. Od. iii. 5. 10.*

The colour of the *toga* was white, and on festivals they usually had one newly cleaned, *Ovid. [Fast. i. 80.] Trist. v. 5. 7.*; hence they were said *Festos* (sc. *dies*) *ALBATI celebrare*, *Horat. Sat. ii. 2. 61.\**

\* If the *Toga* was white, it has been asked, how could it be distinguished from the *candida Toga* worn by competitors for offices, or the white gowns which they wore on holidays and public festivals: —

“ Ille repotia, natales. aliosque dierum  
Festos albatus celebret.” — *Hor. l. c.*

But this difficulty, says Kennet, is easily solved; for between the *Toga alba* and *candida* we may apprehend this difference, that the former was the natural colour of the wool, and the other an artificial white, with a greater lustre. Hence Polybius chooses rather to call the candidate's gown *λαμπρά* than *λευκή*, not of a bare white, but of a bright shining colour; for this purpose they made use of a fine kind of chalk, whence Persius took the hint of *cretata ambitio*. On holidays and solemn festivals among the Romans, it is reasonable to believe that all persons of any fashion put on new gowns, and those of meaner condition might perhaps chalk over their old ones.

Candidates for offices wore a *toga* whitened by the fuller, TOGA CANDIDA. See p. 81.

The *toga* in mourning was of a black or dark colour, TOGA PULLA vel atra; hence those in mourning were called PULLATI, *Suet. Aug.* 44. *Juvenal.* iii. 213., or ATRATI, *Cic. Vat.* 12. But those were also called *Pullati*, who wore a great-coat (*lacerna*) instead of the *toga*, *Suet. Aug.* 40., or a mean ragged dress, *Plin. Epist.* vii. 17., as the vulgar or poor people, (*pullatus circulus, vel turba pullata*), *Quintil.* ii. 12. vi. 4.

The mourning robe of women was called RICINIUM, vel -NUS, vel RICA (*quòd post tergum rejiceretur*), which covered the head and shoulders, *Cic. Legg.* ii. 23., or MAVORTES, -IS, vel -TA, *Serv. in Virg. Æn.* i. 268. *Isid.* xix. 25. They seem to have had several of these above one another, that they might throw them into the funeral piles of their husbands and friends. The Twelve Tables restricted the number to three, *Cic. ibid.*

The Romans seldom or never appeared at a feast in mourning, *Cic. Vat.* 12., nor at the public spectacles, *Mart.* iv. 2., nor at festivals and sacrifices, *Ovid. Fast.* i. 79. *Horat. Sat.* ii. 2. 60. *Pers.* ii. 40.

At entertainments the more wealthy Romans laid aside the *toga*, and put on a particular robe, called SYNTHESIS, *Martial.* ii. 46. iv. 66. v. 80., which they wore all the time of the *Saturnalia*, because then they were continually feasting, *Martial.* xiv. 1. 141. *Senec. Epist.* 18. Nero wore it (*synthesina, sc. vestis*) in common, *Suet.* 51.

Magistrates and certain priests wore a *toga* bordered with purple (*limbo purpureo circumdata*), hence called TOGA PRÆTEXTA; as the superior magistrates, *Cic. Red. in Sen.* 5. *Liv.* xxxiv. 7. *Juvenal.* x. 99.; the *Pontifices*, the Augurs, *Cic. Sext.* 69.; the DECENVIRI *sacris faciundis*, *Liv.* xxvii. 39. &c., and even private persons when they exhibited games, *Cic. Pis.* 4.

Generals [or consuls] when they triumphed, wore an embroidered *toga* [an Etrurian garment of a purple colour], called PICTA vel PALMATA, *Martial.* vii. 2. 7.

Young men, till they were seventeen years of age, and young women, till they were married [the children of free-born citizens], also wore a gown bordered with purple, TOGA PRÆTEXTA\*, *Liv.* xxxiv. 7. *Cic. Verr.* i. 44. *Cat.* ii. 2. *Propert.* iv. 12. 33., whence they were called PRÆTEXTATI, *Liv.* xxii. 57. *Cic. Muren.* 5. *Suet. Aug.* 44. 94. Hence *amicitia prætextata*, i. e. *a teneris annis*, formed in youth, *Martial.* x. 20. But *verba prætextata* is put for *obscæna*, *Suet. Vesp.* 22. (*quòd nubentibus, depositis prætextis, a multitudine puerorum obscæna clamarentur*, *Festus*), *Gell.* ix. 10. *Macrob.*

\* The Prætexta, says Kennet, had the repute of a sacred habit. Hence the boy in Horace cries out to the witch Canidia who was tormenting him,

“ Per hoc inane purpuræ decus precor.” — *Epod.* v.

And Persius in his fifth Satire calls it “ Purpura custos.” So, Quintilian: — “ I allege, too, the sacred habit of the prætexta, the robe of priests and magistrates, by which we render the helplessness of childhood sacred and venerable,” (*in Declamat.*) According to *Plut.* p. 30., the children of the Sabine women first received the privilege of the *prætexta*. It is supposed to have been open before, and laced at the bottom and the two lappets. The term *prætexta* is derived from this edging.

*Sut. ii. 1.*; and *mores prætextati*, for *impudici vel corrupti*, *Juvenal. ii. 170.\**

Under the emperors the toga was in a great measure disused, unless by clients when they waited (*officium faciebant*) on their patrons, *Sut. Aug. 60. Martial. i. 109. ii. 57. x. 74. 3. Scholiast. in Juvenal. x. 45.*; and orators, hence called *Togati*, enrobed, *Seneca. de Constant. 9. Tacit. Annal. xi. 7.†*

Boys likewise wore a hollow golden ball or boss (AUREA BULLA), which hung from the neck on the breast; as some think in the shape of a heart, to prompt them to wisdom; according to others round, with the figure of a heart engraved on it, *Cic. Verr. i. 58., et Ascon. in loc. Liv. xxvi. 6. Plaut. Rud. iv. 4. 127. Macrob. Sat. i. 6.‡* The sons of freedmen and poorer citizens used only a leathern boss, (*bullæ scortæ, vel signum de paupere loro,*) *Juvenal. v. 165. Plin. xxxiii. 1.* Bosses were also used as an ornament for belts or girdles, *Virg. Æn. xii. 942.*

Young men usually, when they had completed the seventeenth year of their age, laid aside (*ponebant vel deponebant*) the *toga prætexta*, and put on (*sumebant vel induebant*) the manly gown (TOGA VIRILIS), called *Toga PURA*, *Cic. Att. v. 20. ix. 19.*, because it was purely white: and *LIBERA*, *Ovid. Trist. iv. 10. 28. Fast. iii. 777.*, because they were then freed from the restraint of masters, and allowed greater liberty, *Pers. v. 30.§*

The ceremony of changing the *toga* was performed (*toga mutabatur*, *Hor. Od. i. 36. 9.*) with great solemnity before the images of the *Lares*, *Propert. iv. 132.*, to whom the *bullæ* was consecrated (*laribus donata pependit*), *Pers. ibid.*, sometimes in the Capitol, *Val. Max. v. 4. 4.*, or they immediately went thither, or to some temple, to pay their devotions to the gods, *Suet. Claud. 2.*

The usual time of the year for assuming the *toga virilis* was at the feasts of Bacchus in March (*Liberatibus*, *xii. Kal. Apr. Cic. Att. vi. 1.*), *Ovid. Fast. iii. 771.*

Then the young man was conducted by his father or principal relation to the *Forum*, accompanied by his friends, *Cic. Att. ix. 22. Suet. Aug. 26. Ner. 7. Tib. 54.* (whose attendance was called OFFICIUM SOLENNE TOGÆ VIRILIS, *Suet. Claud. 2. Plin. Epist. i. 9.*) and there recommended to some eminent orator, whom he should study to imitate, *Cic. Am. 1. Tacit. Orat. 34.*, whence he was said *Forum attin-*

\* "The sons of freedmen were not, at first, allowed to wear the *prætexta* (*Macrob. i. 6.*); they, in time, however, obtained this privilege." — *Crombie's Gymn. ii. p. 166.*

† "In the reign of Hadrian it was relinquished by almost all the senators and knights." — *Crombie's Gymn. ii. p. 172.*

‡ "Tradition refers the introduction of this custom to the reign of Tarquinius Priscus. On the occasion of a victory over the Sabines, the king's son, a lad of 14, received from him a golden ball and the purple-bordered robe, because he had slain a foe." — *Nieb. i. p. 306.*

§ "The successive gradations of age are expressed by *infantulus, infans, puerulus, puer, adolescentulus, adolescens, junior, juvenis, senior, senex*. Respecting the precise periods at which it seems *puer, adolescens, juvenis*, and *senex*, were applied by the Romans, various opinions have been entertained. Some have divided human life into periods of 15 years each, and give it as their opinion, that till the age of 15, the term *puer* was applied; from 15 to 30, *adolescens*; from 30 to 45, *juvenis*; and from 45, *senex*. This opinion, however, is chiefly conjectural." — *Crombie's Gymn. i. p. 162.*

*gere vel in forum venire*, when he began to attend to public business (*forensia stipendia auspicabatur*), Senec. Contr. v. 6. Cic. Fam. v. 8, xiii. 10. xv. 16. This was called *Dies toga virilis*, Suet. Aug. 66. Cal. 15. Claud. 2., or *Dies tirocinii*, Suet. Tib. 54., and the conducting of one to the forum, TIROCINIUM, *Id. Aug. 26. Cal. 10.*; the young men were called TIRONES, young or raw soldiers, because then they first began to serve in the army, Cic. Phil. xi. 15. Fam. vii. 3. Suet. Ner. 7. Liv. xl. 35. [Ovid. Fast. iii. 787.] Hence Tiro is put for a learner or novice, Cic. Orat. i. 50. *Ponere tirocinium*, to lay aside the character of a learner, and give a proof of one's parts; to be past his noviciate, Liv. xlv. 37.

When all the formalities of this day were finished, the friends and dependants of the family were invited to a feast, and small presents distributed among them, called SPORTULÆ, Plin. Ep. x. 117, 118. The emperors on that occasion used to give a largess to the people, (CONGIARIUM, so called from *congius*, a measure of liquids,) Suet. Tib. 54. Tacit. Annal. iii. 29.

Servius appointed, that those who assumed the *toga virilis* should send a certain coin to the temple of Youth, Dionys. iv. 15.

Parents and guardians permitted young men to assume (*dabant*) the *toga virilis*, sooner or later than the age of seventeen, as they judged proper, Cic. Att. vi. 1. Suet. Aug. 8. Cal. 10. Cl. 43. Ner. 7.; under the emperors, when they had completed the fourteenth year, Tacit. Ann. xii. 41. xiii. 15.\* Before this they were considered as part of the family (*pars domus*), afterwards of the state (*reipublicæ*), Tacit. de Mor. Germ. 13.

Young men of rank, after putting on the *toga virilis*, commonly lived in a separate house from their parents, Suet. Tib. 15. Domit. 2. It was, however, customary for them, as a mark of modesty, during the first whole year, to keep (*cohibere*) their right arm within the *toga*, Cic. Coel. 5., and in their exercises in the *Campus Martius* never to expose themselves quite naked, as men come to maturity sometimes did, *Ib.*

The ancient Romans had no other clothing but the *toga*, Gell. vii.

\* "On examining the controversy as to the period in which it was usual to assume the *Toga virilis*, it appears to me, that in the latter period of the republic, and during the reign of Augustus and Nero, the Roman youths assumed the *toga virilis* when they had completed their 15th year. This is the opinion of Pitiscus, and it seems to be supported by irrefragable evidence. Cicero, in a letter to Atticus (l. 9.) acquaints him, that a son was born to him in the 690th year of the city, in the consulship of Julius Cæsar and M. Figulus. He gave this son the *toga virilis* in the 705th year of the city, in the consulate of Corn. Lentulus and Claudius Marcellinus. The youth had then completed his 15th year. Cicero himself was born (Cic. in Brut. and also ad Att. vii. 5.) on the 3d of January, in the year of the city 648, and assumed the *toga virilis* in the year 663. (See Cic. de Orat. iii. 1.) In the earlier ages of the Roman state it seems evident, that the *toga virilis* was not assumed till the 17th year was completed, at which period, every youth, by a law of Servius Tullius, was compelled to serve as a soldier. It was at this period, also, that a youth was either allowed to impeach, or to stand forward as a public accuser. Val. Max. v. 4. 4. Ext. This opinion is farther corroborated by the testimony of Livy, ii. 57. 'Delectu edicto, juniores ab annis septemdecim, et quosdam prætextatos scribunt.' Now, unless we are to affirm, what is extremely improbable, that an interval of two years is here signified, we must conclude, that those, who were 16 years of age, were still wearing the Prætexta, and were not yet accounted to be of the military age." — Crombie's Gymn. ii. p. 169. See Niebuhr, i. p. 384.

12. In imitation of whom, Cato used often to go dressed in this manner, and sometimes even to sit on the *tribunal*, when prætor (*campestri sub togâ cinctus*), Ascon. in Cic. Val. Max. iii 6, 7. Hence *Exigua toga Catonis*, Hor. Ep. i. 19. 13., *hirta*, Lucan. ii. 386., because it was strait (*arcta*) and coarse (*crassa* vel *pinguis*), Horat. Sat. i. 3. 15. Juvenal. ix. 28. Martial. iv. 19. Nor did candidates for offices wear any thing but the *toga*. See p. 81.

The Romans afterwards wore below the *toga* a white woollen vest, called TUNICA, which came down a little below the knees before, and to the middle of the legs behind, *Quinctil.* xi. 3. 128.. at first without sleeves. Tunics with sleeves (*CHIRODŌTÆ* [or *chiridōtæ*] vel *tunicæ manicatæ*), or reaching to the ancles (*talares*), were reckoned effeminate, *Cic. Cat.* ii. 10. *Virg. Æn.* ix. 616. *Gell.* vii. 12. But under the emperors these came to be used with fringes at the hands (*ad manus fimbriatæ*), from the example of Cæsar, *Suet. Jul.* 45., longer or shorter according to fancy, *Horat. Sat.* i. 2. 25. *Prop.* iv. 2. 28. Those who wore them were said to be MANULEATI, *Suet. Cal.* 52.

The tunic was fastened by a girdle or belt (CINGULUM, *cinctus*, —*ûs*, ZONA vel *Balteus*) about the waist to keep it tight, which also served as a purse (*pro marsupio* vel *crumēdâ*), in which they kept their money, *Gell.* xv. 2. *Plaut. Merc.* v. 2. 84. *Suet. Vit.* 16. *Horat. Ep.* ii. 2. 40.; hence *incinctus tunicam mercator*, *Ovid. Fast.* v. 675. The purse commonly hung from the neck, *Plaut. Truc.* iii. 2. 7., and was said *decollasse*, when it was taken off; hence *decollare*, to deceive, *Id. Cup.* iii 1. 37.

It was also thought effeminate to appear abroad with the tunic slackly or carelessly girded; hence the saying of Sylla concerning Cæsar, to the *Optimates*, who interceded for his life, UT MALE PRÆCINCTUM PUERUM CAVERENT, *Suet. Jul.* 46. *Dio.* xliii. 43. For this also Mæcenas was blamed, *Senec. Ep.* 14. Hence *cinctus*, *præcinctus*, and *succinctus*, are put for *industrius*, *expeditus* vel *gnarus*, diligent, active, clever, *Horat. Sat.* i. 5, 6. ii. 6. 107., because they used to gird the tunic when at work, *Id. Sat.* ii. 8. 10. *Ovid. Met.* vi. 59., and *Discinctus* for *iners*, *mollis*, *ignavus*; thus, *Discinctus nepos*, a dissolute spendthrift, *Hor. Epod.* i. 34. So *Pers.* iii. 31. *Discincti Afri*, *Virg. Æn.* viii. 724., effeminate or simply ungirt; for the Africans did not use a girdle, *Sil.* iii. 236. *Plaut. Pœn.* v. 2. 48.\*

The Romans do not seem to have used the girdle at home or in private; hence *discincti ludere*, i.e. *domi*, with their tunics ungirt, *Horat. Sat.* ii. 1. 73.; *discinctaque in otia natus*, formed for soft repose, *Ovid. Amor.* i. 9. 41.; for they never wore the *toga* at home, but an undress (*vestis domestica*, vel *vestimenta*), *Suet. Aug.* 73. *Vit.* 8. *Cic. de Fin.* ii. 24. *Plin. Ep.* v. 6. f. Hence the *toga* and other things which they wore only abroad were called FORENSIA, *Suet. Aug.* 74. *Cal.* 17., or VESTITUS FORENSIS, *Cic. ibid.*, and VESTIMENTA FORENSIA, *Columel.* xii. 45. 5.

\* Juvenal, therefore, *Sat.* viii. 120., who uses the word *discingo*, "Cum tenues nuper Marius dirinzerit Afros," must have meant simply *robbed*, *plundered*; for money was carried in the zone or belt: so in *Hor. Epist.* ii. 2. 40. *ibit eo quovis, qui zonam perdidit*: "who has lost his money."

The tunic was worn by women as well as men; but that of the former always came down to their feet, and covered their arms, *Juvenal.* vi. 445. *Horat. S.* i. 2. 95. 99. They also used girdles, both before and after marriage, *Festus* in CINGULUM; *Martial.* xiv. 151. *Ovid. Amor.* i. 7. 46.

The Romans do not seem to have used a belt above the *toga*. But this point is strongly contested.

Young men, when they assumed the *toga virilis*, and women, when they were married, received from their parents a tunic, wrought in a particular manner, called TUNICA RECTA, or REGILLA, *Festus*, *Plin.* viii. 48. s. 74.

The senators had a broad stripe of purple (or rather two stripes\*, *fasciæ* vel *plagulæ*, *Varr. de Lat. Ling.* viii. 47.) sewed on the breast of their tunic, *Horat. Sat.* i. 6. 28., called LATUS CLAVUS, *Ovid. Trist.* iv. 10. 29. 35., which is sometimes put for the tunic itself, *Suet. Jul.* 45., or the dignity of a senator, *Id. Tib.* 35. *Claud.* 24. *Vesp.* 2. 4. The *Equites* a narrow stripe, ANGUSTUS CLAVUS, *Vell.* ii. 88., called also PAUPER CLAVUS, *Stat. Silv.* v. 2. 17., *arctum lumen purpure*, *Ib.* iv. 5. 42. — See p. 7. 23.

Augustus granted to the sons of senators the right of wearing the *latus clavus* after they assumed the *toga virilis*, and made them tribunes and præfects in the army: hence called TRIBUNI ET PRÆFECTI LATICLAVII, *Suet. Aug.* 38. *Ner.* 26. *Domit.* 10.† The tribunes chosen from the *Equites* were called ANGUSTICLAVII, *Suet. Oth.* 10. *Galb.* 10. They seem to have assumed the *toga virilis* and *latus clavus* on the same day, *Plin. Ep.* viii. 23.

Generals, in a triumph, wore, with the *toga picta*, an embroidered tunic (TUNICA PALMATA) [wrought in figured palm-leaves], *Liv.* x. 7. *Martial.* vii. 1. *Plin.* ix. 36. s. 60., called also *Tunica Jovis*, because the image of that god in the Capitol was clothed with it, *Juvenal.* x. 38. Tunics of this kind used to be sent, by the senate, to foreign kings as a present, *Liv.* xxvii. 4. xxx. 15. xxxi. 11.

The poor people, who could not purchase a *toga*, wore nothing but a tunic; hence called TUNICATUS POPULUS, *Horat. Ep.* i. 7. 65., or TUNICATI, *Cic. in Rull.* ii. 34. Foreigners at Rome seem also to have used the same dress (hence *homo tunicatus* is put for a Carthaginian, *Plaut. Pæn.* v. 32.); and slaves, *Id. Amphitr.* i. 1. 213. *Senec. Brev. Vit.* 12.; likewise gladiators, *Juvenal.* ii. 143.

\* These bound the two sides of the tunic, where it opened in front, so that, when it was drawn close, they met together and seemed to form a single stripe: the Greeks called such a vest μεσσηρόφυρον.

† By particular favour of the emperors, the privilege of wearing the Laticlave was allowed to the more splendid families of the knights (*equilibus Romanis illustribus*, *Tac. Ann.* ii. 59.). So Ovid, in speaking of himself and brother, who are known to have been of the equestrian order: —

“Liberior fratri sumpta mihi que toga :

Induiturque humeris cum lato purpura clavo.” — *Trist.* iv. 10. 28.

This privilege they appear to have retained till the age for becoming a senator; when, if they either declined that dignity, or were ineligible, they resumed the *angustus clavus*. So Ovid, *ibid.* 35. : —

“Curia restabat : clavi mensura coacta est :

Majus erat nostris viribus illud onus.”



In the country, persons of fortune and rank used only the tunic, *Juvenal.* iii. 179. In winter they wore more than one tunic. Augustus used four, *Suet. Aug.* 82.

Under the tunic, the Romans wore another woollen covering next the skin, like our shirt, called INDUSIUM, or SUBUCULA, *Horat. Ep.* i. 1. 95. *Suet. ibid.*, and by later writers, *Interûla* and *Camissia*. Linen clothes (*vestes lineæ*, *Plin.* xii. 16.) were not used by the ancient Romans, and are seldom mentioned in the classics. The use of linen was introduced, under the emperors, from Egypt, *Plin. Præf.*; whence *Sindon* vel *vestes Byssinæ*, fine linen. Girls wore a linen vest, or shift, called SUPPARUM vel -us, *Plaut. Rud.* i. 2. 91. *Lucan.* ii. 363. *Festus*.

The Romans, in later ages, wore above the *toga* a kind of great-coat, called LACERNA, *Juvenal.* ix. 29., open before, and fastened with clasps or buckles (FIBULÆ, which were much used to fasten all the different parts of dress, *Virg. Æn.* iv. 139. *Ovid. Met.* viii. 318., except the *toga*), especially at the spectacles, *Martial.* xiv. 137., to screen them from the weather, with a covering for the head and shoulders (*capitium quòd capit pectus*, *Varr. L. L.* iv. 30.), called CUCULLUS, *Juvenal.* vi. 118. 329. *Martial.* xi. 99. They used to lay aside the *lacerna* when the emperor entered, *Suet. Claud.* 6. It was at first used only in the army, *Paterc.* ii. 80. *Ovid. Fast.* ii. 745. *Prop.* iii. 10. 7., but afterwards also in the city.

During the civil wars, when the *toga* began to be disused, the *lacerna* came to be worn in place of it to such a degree, that Augustus one day seeing, from his tribunal, a number of citizens in the assembly dressed in the *lacerna* (*pullati vel lacernati*), which was commonly of a dark colour, *Martial.* xiv. 129., repeated with indignation from Virgil, "*Romanos rerum dominos gentemque togatam?*" *Æn.* i. 282., and gave orders to the ædiles not to allow any one to appear in the *forum* or *circus* in that dress, *Suet. Aug.* 40. It was only used by the men, *Scholiast. in Juvenal.* i. 62.; and at first was thought unbecoming in the city, *Cic. Phil.* ii. 30. It was sometimes of various colours and texture [*Tyrias lacernas*], *Juvenal.* i. 27. ix. 28. *Martial.* ii. 19.

Similar to the *lacerna* was the LÆNA (*χλαῖνα*), a Grecian robe or mantle thrown over the *pallium*, *Serv. ad Virg. Æn.* v. 262. *Festus*, *Martial.* xii. 36. xiv. 13. 136.

The Romans had another kind of great-coat or surtout, resembling the *lacerna*, but shorter and straiter, called PENULA, which was worn above the tunic, *Suet. Ner.* 48., having likewise a hood (*caput vel capitium*), *Plin.* xxiv. 15., used chiefly on journeys and in the army, *Cic. Att.* xiii. 33. *Mil.* 10. *Sext.* 38. *Juv.* v. 78. *Senec. Ep.* 87. *N. Q.* iv. 6., also in the city, *Suet. Cic.* 52. *Lamprid. Alex. Sev.* 27., sometimes covered with a rough pile, or hair, for the sake of warmth, called GAUSĀPA, *sing. et plur.* vel -e; *Petron.* 28. *Ovid. Art. Am.* ii. 300. *Pers.* v. 46., or *Gausapīna pœnula*, *Martial.* vi. 59. xiv. 145. 147., of various colours, and common to men and women, *Ibid.*, sometimes made of skins, SCORTEA, *Festus*, *Martial.* xiv. 130.

The military robe of the Romans was called SAGUM, an open woollen garment, which was drawn over the other clothes, and

fastened before with clasps, *Suet. Aug.* 26. *Sil.* xvii. 531.; in dangerous conjunctures worn also in the city\*, by all except those of consular dignity, *Cic. Phil.* viii. 11., as in the Italic war for two years, *Liv. Epit.* 72, 73. *Paterc.* ii. 16. *Distento sago impositum in sublime jactare*, to toss in a blanket, *Suet. Oth.* 2. *Martial.* i. 4. 7.†

The Romans wore neither stockings nor breeches, but used sometimes to wrap their legs and thighs with pieces of cloth (FASCIÆ, vel -iolæ, fillets, bands, or rollers), named, from the parts which they covered, TIBIALIA and FEMINALIA or *Femoralia*, i. e. *tegumenta tibiæ et femorum*, *Suet. Aug.* 82., similar to what are mentioned, *Exod.* xxviii. 42. *Levit.* vi. 10. xvi. 4. *Ezek.* xlv. 18.; used first, probably, by persons in bad health, *Cic. Brut.* 60. *Horat. Sat.* ii. 3. 255. *Quinctil.* xi. 3. 144.; afterwards by the delicate and effeminate, *Cic. Att.* ii. 3. *Har. Resp.* 21. *Suet. Aug.* 82.; who likewise had mufflers to keep the throat and neck warm, called FOCALIA vel *Focale*, sing. (a faucibus), *Horat. et Quinctil. ibid.* *Martial.* iv. 41. vi. 41. xiv. 142.; used chiefly by orators, *Ibid. et Gell.* xi. 9. Some used a handkerchief (SUDARIUM) for that purpose, *Suet. Ner.* 51.

Women used ornaments round their legs (*ornamenta circa crura*), called PERISCELIDES, *Horat. Ep.* i. 17. 56.

The Romans had various coverings for the feet (*calceamenta vel tegumenta pedum*, *Cic. Tusc.* v. 32.), but chiefly of two kinds. The one (CALCEUS, ὑπόδημα, a shoe), covered the whole foot, somewhat like our shoes, and was tied above with a latchet or lace, a point or string (CORRIGIA, LORUM vel LIGULA), *Cic. de Divin.* ii. 40. *Martial.* ii. 29. 57. The other (SOLEA, σανδάλιον, a slipper or sandal, *quòd solo pedis subjiciatur*, *FESTUS*) covered only the sole of the foot, and was fastened on with leathern thongs or strings, (*teretibus habenis vel obstrigillis vinctæ*, *Gell.* xiii. 21., *amentis*, *Plin.* xxxiv. 6. s. 14.) hence called VINCULA, *Ovid. Fast.* ii. 324. Of the latter kind there were various sorts: CREPIDÆ, vel -DULÆ, *Ib. Cic. Rabir. Post.* 27. *Horat. Sat.* i. 3. 127. GALLICÆ, *Cic. Phil.* ii. 30. *Gell.* xiii. 21. &c.; and those who wore them were said to be *discalceati* (ἀνυπόδητοι), *pedibus intectis*, *Tacit. Ann.* ii. 59.

The Greeks wore a kind of shoes called PHÆCASIA, *Senec. de Benef.* vii. 21.

The *calcei* were always worn with the *toga* when a person went abroad, *Cic. ibid.* *Plin. Epist.* vii. 3. *Suet. Aug.* 73.; whence he put them off (*calceos et vestimenta mutavit*), and put on (*induebat vel inducebat*) slippers, when he went on a journey, *Cic. Mil.* 10. Caligula permitted those who chose, to wear slippers in the theatre, *Dio.* lix. 7., as he himself did in public, *Suet.* 52.

Slippers (*soleæ*) were used at feasts, *Plaut. Truc.* ii. 4. 13. *Horat.*

\* In times of public calamity, says Ferrarius, the senators laid by the *Laticlave*, and appeared only in the habit of knights; the magistrates threw aside the *prætecta*, and came abroad in the senatorian garb; the knights left off their rings, and the commons changed their gowns for the *sagum* or military coat. — *De Re Vestiar.* i. c. 27.

† The *abolla* was a cloak peculiar to the military: a larger and coarser kind was also worn by philosophers. — *Juv. Sat.* iii. 115. Of more costly materials, and glowing colours, it was sometimes the distinction of the rich and great. — *Suet. Calig.* 35. *Juv. Sat.* iv. 76.

*Sat.* ii. 8. 77. *Ep.* i. 13. 15.; but they put them off when about to eat, *Martial.* iii. 50. It was esteemed effeminate for a man to appear in public in slippers (*soleatus*), *Cic.* *Har. Resp.* 21. *Verr.* v. 33. *Pis.* 6. *Liv.* xxix. 19. *Suet.* *Cal.* 32. Slippers were worn by women in public, *Plaut.* *Truc.* ii. 8.

The shoes of senators were of a black colour, and came up to the middle of their legs, *Horat.* *Sat.* i. 6. 26. They had a golden or silver crescent (*luna vel lunula*, i. e. *litera C*)\* on the top of the foot, *Juvenal.* vii. 192.; hence the shoe is called *lunata pellis*, *Martial.* i. 50., and the foot *lunata planta*, *Id.* ii. 29. This seems to have been peculiar to Patrician senators, *Scholiast. in Juvenal.*; hence it is called *PATRICIA LUNA*, *Stat. Sylv.* v. 2. 28.

The shoes of women were generally white, *Ovid.* *Art. Am.* iii. 271., sometimes red, scarlet, or purple (*rubri, mullei, et purpurei*), *Pers.* v. 169. *Virg.* *Ecl.* vii. 32. *Æn.* i. 341., yellow (*lutei vel cerei*), *Catull.* lix. 9. &c., adorned with embroidery and pearls, particularly the upper leathers or upper parts (*crepidarum obstragula*), *Plin.* ix. 35. s. 56.

Men's shoes were generally black; some wore them scarlet or red [those who had borne any curule office adopted the latter colour], *Martial.* ii. 29. 8., as Julius Cæsar, *Dio.* xliii. 43., and especially under the emperors, adorned with gold, silver, and precious stones, *Plaut.* *Bacch.* ii. 3. 97. *Senec.* ii. 12. *Plin.* xxxvii. 2. They were sometimes turned up in the point, in the form of the letter f, called *Calcei repandi*, *Cic.* *de Nat. D.* i. 30.

The senators are said to have used four latches to tie their shoes, and plebeians only one, *Isid.* xix. 34. *Senec. de Tranquill. Anim.*

The people of ancient Latium wore shoes of unwrought leather (*ex corio crudo*), called *PÉRONES*, *Virg.* *Æn.* vii. 90., as did also the *Marsi*, *Hernici*, and *Vestini*, who were likewise clothed in skins, *Juvenal.* xiv. 195. &c. It was long before they learned the use of tanned leather, (*ALŪTÆ*; *ex alumine* (of alum), *quo pelles subigebantur, ut molliores fierent*), which was made of various colours, *Martial.* ii. 29. vii. 34.

The poor people sometimes wore wooden shoes (*soleæ lignæ*), which used to be put on persons condemned for parricide, *Auct. ad Heren.* i. 13. *de Invent.* ii. 50.

Similar to these, were a kind of shoes worn by country people, called *SCULPONÆ*, *Cato de Re R.* 59., with which they sometimes struck one another in the face (*os batuebant*), *Plaut.* *Cas.* ii. 8. 59., as courtesans used to treat their lovers (*commitigare sandalio caput*), *Terent.* *Eun.* v. 8. 456. Thus Omphale used Hercules, *Id.*

The shoes of the soldiers were called *CALIGÆ*, sometimes shod with nails (*clavis suffixæ*) — see p. 319.; of the comedians, *SOCCEI*, slippers, often put for *soleæ*; of the tragedians, *COTHURNI*. See p. 309.

The Romans sometimes used socks, or coverings for the feet, made of wool or goats' hair, called *UDONES*, *Martial.* xiv. 140.

The Romans, also, had iron shoes (*SOLEÆ FERREÆ*) for mules and horses, not fixed to the hoof with nails, as among us, but fitted to the

\* This originally represented the numeral C, in allusion to the 100 members of whom the senate was at first composed.

foot, so that they might be occasionally put on and off, *Catull.* xviii. 26. *Suet. Ner.* 30. *Vesp.* 23. *Plin.* xxx. 11. s. 49.; sometimes of silver or gold, (*Poppæa conjux Neronis delicatioribus jumentis suis soleas ex auro quoque induere,*) *Id.* xxxiii. 11. s. 49. *Dio.* lxii. 28.

Some think that the ancients did not use gloves (*chirothecæ* vel *manicæ*); but they are mentioned both by Greek and Roman writers, *Homer. Odys.* 24. *Plin. Ep.* iii. 5., with fingers (*digitalia, -um*), *Varr. R. R.* i. 55., and without them; what we call *mittens*.

The ancient Romans went with their heads bare (*capite aperto*); as we see from ancient coins and statues, except at sacred rites, games, festivals, on journey, and in war. Hence, of all the honours decreed to Cæsar by the senate, he is said to have been chiefly pleased with that of always wearing a laurel crown, because it covered his baldness, *Suet. Jul.* 45., which was reckoned a deformity among the Romans, *Ovid. Art. Am.* iii. 250. *Tacit. Annal.* iv. 57. *Suet. Domit.* 18. *Juvenal.* iv. 38.; as among the Jews, *2 Kings*, ii. 23.

They used, however, in the city, as a screen from the heat or wind, to throw over their head the lappet of their gown (*laciniam vel sinum togæ in caput rejicere*), which they took off when they met any one to whom they were bound to show respect, as the consuls, &c. *Plutarch. in Pomp. et Quæst. Rom.* 10. — See p. 102.

The Romans veiled their heads at all sacred rites, but those of Saturn, *Serv. in Virg. Æn.* iii. 405. *Liv.* i. 26.; in cases of sudden and extreme danger, *Plaut. Most.* ii. 1. 77. *Petron.* 7. 90.; in grief or despair, as when one was about to throw himself into a river, or the like, *Horat. Sat.* ii. 3. 37. *Liv.* iv. 12. Thus Cæsar, when assassinated in the senate-house, *Suet. Cæs.* 82.; Pompey, when slain in Egypt, *Dio.* xlii. 4.; Crassus, when defeated by the Parthians, *Plutarch.*; Appius, when he fled from the Forum, *Liv.* iii. 49. So criminals, when executed, *Liv.* i. 26. *Sil.* xi. 259.

At games and festivals the Romans wore a conical cap or bonnet of white woollen stuff (*PILEUS*, vel *-um*), *Horat. Ep.* i. 13. 15. *Martial.* xi. 7. xiv. 1. *Suet. Ner.* 57. *Senec. Epist.* 18.; which was also worn by slaves, hence called *PILEATI*, when made free, *Liv.* xxiv. 16. *Plaut. Amph.* i. 303., or sold, *Gell.* vii. 8. (see p. 32.) whence *pileus* is put for liberty, *Suet. Tib.* 4. *Martial.* ii. 48. 4.; likewise by the old and sickly, *Ovid. Art. Am.* i. 783.

The Romans on journey used a round cap, like a helmet (*GALERUS*, vel *-um*), *Virg. Æn.* vii. 688.\*; or a broad-brimmed hat (*PETĀSUS*), *Suet. Aug.* 82. [similar to that represented on the statues

\* To the hat or cap (*Galerus*) was attached a band or twisted lace which was tied under the chin. So *Juvenal*, viii. 207. : —

“Credamus tunicæ, de faucibus aureæ cum se  
Porrigit et longo jactetur spira galero :”

Gracchus, the individual alluded to, was a nobleman who entered the Amphitheatre as a Retiarius; and, in addition to the evidence of his *Tunica*, his band or lace also being of gold, showed that he was no common gladiator. Gifford observes, that “he was base enough to enter the lists in the magnificent hat and tunic of the *Salii*, or priests of Mars, of whom he was probably the chief.” — See p. 253. 267. *Servius on Virg. Æn.* ii. 683. “Suetonius tria genera pileorum dixit, quibus sacerdotes utuntur, apicem, tutulum, galerum.” The *tutulus* is thus explained by Festus: “pileus lanatus, forma metali figuratum, quo flamines et pontifices utuntur.”

of the god Mercury.] Hence *petasatus*, prepared for a journey, *Cic. Fam.* xv. 17. Caligula permitted the use of a hat similar to this in the theatre, as a screen from the heat, *Dio.* lix. 7.

The women used to dress their hair in the form of a helmet or *Galērus*, mixing false hair (*crines ficti vel suppositi*) with it, *Scholias.* in *Juvenal.* vi. 120.—So likewise warriors, *Sil.* i. 404., who sometimes also used a cap of unwrought leather (*CUDO vel -on*), *Sil.* viii. 494. xvi. 59.

The head-dress of women, as well as their other attire, was different at different periods. At first it was very simple. They seldom went abroad; and, when they did, they almost always had their faces veiled. But when riches and luxury increased, dress became with many the chief object of attention; hence a woman's toilette and ornaments were called *MUNDUS MULIEBRIS*, her world, *Liv.* xxxiv. 7.

They anointed their hair with the richest perfumes, *Ovid. Met.* v. 53. *Tibull.* iii. 4. 28.; and sometimes painted it, *Tib.* i. 9. 43. *Ovid. Art. Am.* iii. 163. (*comam rutilabant vel incendebant*), made it appear a bright yellow, with a certain composition or wash, a *lixivium* or ley, (*lixivo vel -vd cinere, vel cinere lixivii*, *Val. Max.* ii. 1. 5. *Plin.* xiv. 20. *Spuma Batavā vel causticā*, i. e. *sapone*, with soap, *Martial.* viii. 33. 20. xiv. 26. *Suet. Cal.* 47. *Plin.* xxviii. 12. s. 51.), but never used powder, which is a very late invention; first introduced in France about the year 1593.

The Roman women frizzled or curled their hair with hot irons (*calido ferro vel calamistris vibrabant, crispabant, vel intorquebant*), *Virg. Æn.* xii. 100. *Cic. Brut.* 75.; hence *coma calamistrata*, frizzled hair, *Cic. Sext.* 8. *Homo calamistratus*, by way of contempt, *Cic. post red. in Sen.* 6. *Plaut. Asin.* iii. 3. 37.; and sometimes raised it to a great height by rows and stories of curls, *Juvenal.* vi. 501. Hence *ALTUM CALIENDRUM*, i. e. *capillitium adulterinum vel capillamentum*, *Suet. Cal.* 11., in *galeri vel galeæ modum suggestum*, *Tertull. de Cult. Fœm.* 7.; the lofty pile of false hair, *Horat. Sat.* i. 8. 48. *suggestus vel -um comæ*, as a building, *Stat. Sylv.* i. 2. 114. *Coma in gradus formata*, into stories, *Suet. Ner.* 51. *Quinctil.* xii. *Flexus cincinnorum vel annulorum*, the turning of the locks or curls; *fimbriæ vel cirri*, the extremities or ends of the curls, *Cic. Pis.* 11. *Juvenal.* xiii. 165. The locks seem to have been fixed by hair-pins (*crinalis acus*), *Propert.* iii. 9. 53. *Dio.* li. 14.

The slaves who assisted in frizzling and adjusting the hair (in *crine componendo*) were called *CINIFLONES* or *CINERARII*, *Horat. Sat.* i. 2. 98.; who were in danger of punishment if a single lock was improperly placed, (*si unus de toto peccaverat orbe comarum Annulus, incertū non bene fixus acu*); the whip (*TAUREA*, i. e. *flagrum vel scutica de pene taurino*) was presently applied, *Juvenal.* vi. 491., or the mirror (*SPECULUM*), made of polished brass or steel, of tin or silver, *Plin.* xxxiv. 17. s. 48., was aimed at the head of the offender, *Martial.* ii. 66.\* A number of females attended, who did nothing

\* "Some of the female busts, now in the Capitoline Museum, and ascribed to the age of Nero, exhibit head-dresses, which, from size and troublesome execution, must have cost inexpert hairdressers and ornamenters many a stripe."—*Blair*, p. 245.

The passages to which Adam refers are satirical, and it no more follows that

but give directions, *Juvenal. ibid.* Every woman of fashion had at least one female hair-dresser (ORNATRIX), *Ovid. Amor. i. 14. 16. ii. 7. 17. 23.*

The hair was adorned with gold, and pearls, and precious stones, *Ovid. Her. xv. 75. xxi. 89. Manil. v. 518.*; sometimes with crowns or garlands and chaplets of flowers (*coronæ et serti*), *Plaut. Asin. iv. 1. 58.*; bound with fillets or ribands of various colours (*crinales vittæ vel fasciæ*), *Ovid. Met. i. 477. iv. 6.*

The head-dress and ribands of matrons were different from those of virgins, *Propert. iv. 12. 34. Virg. Æn. ii. 168.*

Ribands (VITTÆ) seem to have been peculiar to modest women; hence *Vittæ tenues, insigne pudoris*, *Ovid. Art. Am. i. 31. Nil mihi cum vittâ, i. e. cum muliere pudicâ et castâ*, *Id. Rem. Am. 386.*, and, joined with the STOLA, were the badge of matrons, *Id. Trist. ii. 247.*; hence *Et vos, quis vittæ longaque vestis abest, i. e. impudicæ*, *Id. Fast. iv. 184.*

Immodest women used to cover their heads with mitres, (*MITRÆ, vel mitellæ*), *Juvenal. iii. 66. Serv. in Virg. Æn. iv. 216. Cic. de Resp. Harusp. 21.*

Mitres were likewise worn by men, although esteemed effeminate, *Cic. Rabir. Post. 10.*; and what was still more so, coverings for the cheeks, tied with bands (*redimicula vel ligamina*) under the chin, *Virg. ibid. et ix. 616. Propert. ii. 29.*

An embroidered net or caul (*reticulum auratum*) was used for enclosing the hair behind, *Juvenal. ii. 96.*, called *vesica* from its thinness, *Martial. viii. 33. 19.*

Women used various cosmetics (*medicamina vel lenocinia*), and washes or wash-balls (*smegmata*), to improve their colour, *Ovid. Med. Fac. 51.*, &c. *Senec. Helv. 16.* They covered their face with a thick paste (*multo pane vel tectorio*), which they wore at home, *Juvenal. vi. 460. &c.*

Poppæa, the wife of Nero, invented a sort of *pomatum* or ointment to preserve her beauty, called from her name POPPÆANUM, made of asses' milk, *Ibid. et Plin. xi. 41. xxviii. 12. s. 50.*, in which she used also to bathe. Five hundred asses are said to have been daily milked for this purpose: and when she was banished from Rome, fifty asses attended her, *ibid. et Dio. lxii. 28.* Some men imitated the women in daubing their faces; thus Otho (*faciem pane madido linere quotidie consuevit*), *Suet. Oth. 12. Juvenal. ii. 107.* Pumice stones were used to smooth the skin, *Plin. xxxvi. 21. s. 42.*

Paint (FUCUS) was used by the Roman women as early as the days of Plautus; ceruse or white lead (*cerussa*), or chalk (*creta*), to

Roman ladies were in the habit of throwing their mirrors at their maids, than that the custom should prevail amongst us. The lady alluded to in Juvenal is in a passion. "Why is that curl too high?" she says, and immediately the whip is appealed to. The poet then represents her as holding a council upon the subject of her dress. A matron who has had much experience in these matters (*emeritâ quæ cessat acu*), first gives her opinion: — "*Post hanc ætate, atque arte minores censebunt.*" The poet then alludes to the quantity of rows and stories of her curls, which make such a difference in her apparent stature, that you would fancy her to be Andromache herself when viewed in front: — "*Post minor est: aliam credas.*" *Sat. vi. 491—503.*



whiten the skin, and vermilion (*minium purpurissum* vel *rubrica*) to make it red, *Plaut. Most.* i. 3. 101., & 118. *Truc.* ii. 11. 35. *Ovid. Art. Am.* iii. 199. *Horat. Epod.* xii. 10. *Martial.* ii. 41. viii. 33. 17. Hence, *fucatae*, *cerussatae*, *cretatae*, et *minionatae*, painted, *Ibid.*, in which also the men imitated them, *Cic. Pis.* 11.

The women used a certain plaster which took off the small hairs from their cheek; or they pulled them out by the root (*radicibus vellebant*) with instruments called *VOLSELLÆ*, tweezers, *Martial.* ix. 28., which the men likewise did, *Id.* viii. 47. *Suet. Cæs.* 45. *Galb.* 22. *Oth.* 12. *Quinctil.* i. 6. 44. v. 9. 14. viii. *proem.* 19. The edges of the eye-lids and eye-brows they painted with a black powder or soot (*fuligine collinebant*), *Tertull. de Cult. Fœm.* 5. *Juvenal.* ii. 93. *Plin. Ep.* vi. 2.

When they wanted to conceal any deformity on the face, they used a patch (*SPLENIUM* vel *emplastrum*), *Martial.* ii. 29. 8., sometimes like a crescent (*lunatum*), *Id.* viii. 33. 22.; also for mere ornament, *Plin. Ep.* vi. 2. Hence *spleniatus*, patched, *Martial.* x. 22. *Regulus*, a famous lawyer under Domitian, used to anoint (*circumlinere*) his right or left eye, and wear a white patch over one side or the other of his forehead, as he was to plead either for the plaintiff or defendant (*dextrum, si a vel pro petitore: alterum, si a possessore esset acturus*), *Plin. Ep.* vi. 2.

The Romans took great care of their teeth by washing and rubbing them, *Plin. Ep.* viii. 18. *Plin.* xxxi. 10. *Martial.* xiv. 22. 56. When they lost them, they procured artificial teeth of ivory, *Horat. Sat.* i. 8. 48. *Martial.* i. 20. 73. ii. 41. v. 44. xii. 23. If loose, they bound them with gold, *Cic. Legg.* ii. 24. It is said *Æsculapius* first invented the pulling out of teeth (*dentis evulsionem*), *Cic. Nat. D.* iii. 57.

The Roman ladies used ear-rings (*INAURES*) of pearls (*margaritæ, baccaæ*, vel *uniones*), *Horat. Epod.* viii. 14. *Sat.* ii. 3. 241., three or four to each ear, *Plin.* ix. 35. s. 56. *Senec. de Benef.* vii. 9., sometimes of immense value, *Suet. Jul.* 50. *Plin.* ix. 35. s. 57.; hence, *Uxor tua locupletis domûs auribus censum gerit*, *Senec. Vit. Beat.* 17.; and of precious stones, *Ovid. Art. Am.* i. 432.; also necklaces or ornaments for the neck (*MONILIA*), made of gold and set with gems, *Virg. Æn.* i. 658. *Ovid. Met.* x. 264. *Cic. Verr.* vi. 18.; which the men also used, *Suet. Galb.* 18. *Ovid. Met.* x. 115. *Plin.* ix. 35. But the ornament of the men was usually a twisted chain (*torquis* v. *-es*), *Virg. Æn.* vii. 351.; or a circular plate of gold (*circulus auri* vel *aureus*), *Virg. Æn.* v. 559.; also a chain composed of rings (*catēna, catella*, vel *catenula*), used both by men and women, *Liv.* xxxix. 31. *Horat. Ep.* i. 17. 55. Ornaments for the arms were called *ARMILLÆ*.

There was a female ornament called *SEGMENTUM*, worn only by matrons, *Val. Max.* v. 2. 1., which some suppose to have been a kind of necklace, *Serv. in Virg. Æn.* i. 658. *Isid.* xix. 31.; but others, more properly, an embroidered riband (*fascia, tænia*, vel *vitta intexta auro*), or a purple fringe (*purpurea fimbria* vel *instita*) sewed to the clothes, *Scholias. in Juv.* ii. 124. *Ovid. Art. Am.* iii. 169. Hence *Vestis segmentata*, an embroidered robe, or having a purple fringe (*a crebris sectionibus*), *Symmach. Epist.* 4. 12. f.

The Roman women used a broad riband round the breast called *STROPHIUM*, which served instead of a boddice or stays, *Catull.*

lxii. 65. They had a clasp, buckle, or bracelet, on the left shoulder, called SPINTHER or *Spinter*, Festus, Plaut. Men. iii. 3. 4.

The ordinary colour of clothes in the time of the republic was white; but afterwards the women used a great variety of colours, according to the mode, or their particular taste, *Ovid. Art. iii. 187.*

Silk (*vestis serica vel bombycina*) was unknown to the Romans till towards the end of the republic. It is frequently mentioned by writers after that time, *Virg. G. ii. 121. Horat. Epod. viii. 15. Suet. Gal. 52. Martial. iii. 82. viii. 33. 68. ix. 38. xi. 8. 27. 50. Juvenal. vi. 259.* The use of it was forbidden to men, *Tacit. Annal. ii. 33. Vopisc. Tacit. 10.*

Heliogabālus is said to have been the first who wore a robe of pure silk (*vestis holoserica*); before that time it used to be mixed with some other stuff (*subsericum*), Lamprid. in Elagab. 26. 29. The silk, which had been closely woven in India, was unravelled, and wrought anew in a looser texture, intermixed with linen or woollen yarn, *Plin. vi. 20.*, so thin that the body shone through it (*ut transluceret*), *Ibid.*, first fabricated in the island Cos, *Plin. xi. 22. s. 26.* Hence *Vestes Coæ* for *sericæ vel bombycinæ, tenues vel pellucidæ*, *Tibull. ii. 3. 57. Propert. i. 2. 2. Horat. Sat. i. 2. 101. Ventus textilis, v. nebula, Petron. 55. [Seneca de Benef. vii. 9.]* The Emperor Aurelian is said to have refused his wife a garment of pure silk, on account of its exorbitant price, *Vopisc. in Aurel. 45.\**

Some writers distinguish between *vestis bombycina* and *serica*. The former they make to be produced by the silk-worm (*bombyx*), the latter from a tree in the country of the *Seres* (*sing. Ser*) in India. But most writers confound them. It seems doubtful, however, if *sericum* was quite the same with what we now call silk, *Plin. xi. 22. s. 25. xxiv. 12. s. 66. &c.†*

Silk-worms (*bombyces*) are said to have been first introduced at Constantinople by two monks in the time of Justinian, A. D. 551, *Procop. de Bell. Goth. iv. 17.* The Romans were long ignorant of the manner in which silk was made.

Clothes were distinguished not only from their different texture and colour, but also from the places where they were manufactured; thus, *Vestis aurea, aurata, picta*, embroidered with gold; *purpurea, conchyliata*, *Cic. Phil. ii. 27.*, *ostro vel murice tincta, punicea, Tyria vel Sarrana, Sidonia, Assyria, Phœnicia; Spartana, Melibœa; Getula,*

\* "The price of silk progressively declined from the reign of Aurelian; and Ammianus Marcellinus states, (*Lib. xviii. c. 6.*) that silk was in his time (370) worn even by the lowest classes. As Virgil is the first Roman writer who has mentioned it, the terms that he employs show how little was then known as to the real nature of the article:—'Velleraque ut foliis depectant tenuia Seres.'—(*Georg. ii. 121.*). But it may be doubted whether Virgil do not, in this line, refer to cotton rather than silk."—*M'Culloch's Dict. of Commerce.*

† Gifford, on *Juv. ii. 66.*, considers *sericæ vestes* to be what we call *fine cottons*, imported from India, through the country of the *Seres*, the modern *Bocharia*. *Bombycinæ vestes*, on the contrary, were of silk, and from *Sinæ* (*China*), a region much more remote. In the passage of *Juvenal* referred to, the satirist alludes to some dress of this texture, under the appellation *multitia*, peculiar to women, but adopted by effeminate persons, and even by a magistrate, *Creticus*, "quid non facient alii, cum tu *multitia* sumas, Cretice?" rendered, *a cobweb vest*, by Gifford. See also *Sat. xi. 186.* Some derive it, by syncope, from *multilicius*, of many threads, i. e. finely wrought.

*Pœna* vel *Punica*, &c. PURPLE, dyed with the juice of a kind of shell-fish, called PURPURA or MUREX; found chiefly at Tyre in Asia; in *Meninx*, -ngis, an island near the *Syrtis Minor*, and on the Getulian shore of the Atlantic ocean, in Africa; in *Laconica* in Europe, *Plin.* ix. 36. s. 60.\* The most valued purple resembled the colour of clotted blood, of a blackish shining appearance; whence blood is called by Homer, *purpureus*, *Plin.* ix. 38. s. 62. Under Augustus the violet colour (*violacea purpura*) came to be in request; then the red (*rubra Tarentina*) and the Tyrian twice dyed (*Tyria dibapha*, i. e. *bis tinctoria*), *Plin.* ix. 39. s. 63. *Horat.* Od. ii. 16. 35. *Vestis coccinea* [*coccina læna*, *Juv.* iii. 283.], vel *cocco tinctoria* [*madida*], scarlet, *Martial.* v. 23. [xiv. 131.], also put for purple, *Horat.* Sat. vi. 102. & 106.† *Melitensis*, e *gossypio* vel *xylo*, cotton, *Cic. Verr.* ii. 72. *Plin.* xix. 1. CoA, i. e. *Serica* vel *bombycina et purpura*, fine silk and purple made in the island *Cos* or *Coos*, *Horat.* Od. iv. 13. 13. Sat. i. 2. 101. *Tib.* ii. 4. 29. *Juvenal.* viii. 101. *Phrygiāna*, vel -ionica, i. e. *acu contexta et aureis filis decorata*, needle-work or embroidery, *Plin.* viii. 48. s. 74. Others read here *Phryxiana*, and make it a coarse shaggy cloth; freeze, opposed to *rasa*, smoothed, without hairs; *Virgata*, striped, *Virg. Æn.* viii. 660. *Scutulata*, spotted or figured [chequered, formed into squares or lozenges; from *scutulæ*, pieces of stone, diamond-shape, inlaid in tessellated pavements], *Juvenal.* ii. 97., like a cobweb (*araneorum tela*), which Pliny calls *rete scutulatum*, xi. 24. *Galbāna* vel -īna, green or grass-coloured, *Juvenal.* *ibid.* (*color herbarum*), *Martial.* v. 24., worn chiefly by women; hence *Galbanatus*, a man so dressed, *Id.* iii. 82. 5., and *Galbāni mores*, effeminate, i. 97. *Amethystina*, of a violet or wine colour, *Ibid.* & ii. 57. xiv. 154. *Juvenal.* vii. 136.; prohibited by Nero, *Suet.* 32., as the use of the *vestis conchyliata*, a particular kind of purple, was by Cæsar, except to certain persons and ages, and on certain days, *Suet. Jul.* 43. *Crocōta*, a garment of a saffron colour (*crocei coloris*), *Cic. Resp. Har.* 21. *Sindon*, fine linen from Egypt and Tyre, *Martial.* ii. 16. iv. 19. 12. xi. 1. *Vestis atra* vel *pulla*, black or iron-grey, used in mourning, &c.

In private and public mourning the Romans laid aside their ornaments, their gold and purple, *Liv.* ix. 7. xxxiv. 7.

No ornament was more generally worn among the Romans than rings (ANNULI). This custom seems to have been borrowed from the Sabines, *Liv.* i. 11. The senators and *equites* wore golden rings, *Liv.* xxiii. 12. xxvi. 36., also the legionary tribunes, *Appian. de Bell. Punic.* 63. Anciently none but the senators and *equites* were allowed to wear golden rings, *Dio.* xlviii. 45.

The plebeians wore iron rings, *Stat. Silv.* iii. 144., unless when presented with a golden one for their bravery in war, *Cic. Verr.* iii. 80., or for any other desert, *Suet. Jul.* 39. *Cic. Fam.* x. 31. *Macrob.*

\* Also at Melibœa in Thessaly, and Ancona on the Adriatic.

† "From the name of *coccus* or -um, cloth dyed with *kermes* was called *coccinum*, and persons wearing this cloth were said to be *coccinati* (*Martial.* Epigr. i. 97. 6. v. 34.). Many supposed, with Pliny, that the *kermes* was the grains (*grana*) or fruit of the *ilex*; and it was not till the early part of last century that it was established, that it was nothing more than an insect, assuming the appearance of a berry in the process of dyeing." — *M'Culloch*.

*Sat.* ii. 10. Under the emperors the right of wearing a golden ring was more liberally conferred, and often for frivolous reasons, *Plin.* xxxiii. 1, 2. *Suet. Galb.* 14. *Vitell.* 12. *Tacit. Hist.* iv. 3. At last it was granted, by Justinian, to all citizens, *Novell.* 78. Some were so finical with respect to this piece of dress, as to have lighter rings for summer, and heavier for winter, *Juvenal.* i. 28., hence called *Semestres*, *Id.* vii. 89. \*

The ancient Romans usually wore but one ring, on the left hand, on the finger next the least, hence called *DIGITUS ANNULARIS*, *Gell.* x. 10. *Macrob.* vii. 13.; but in later times, some wore several rings, *Horat. Sat.* ii. 7. 9., some one on each finger, *Martial.* v. 62. 5., or more, *Id.* v. 11. xi. 60., which was always esteemed a mark of effeminacy.

Rings were laid aside at night, and when they bathed, *Ibid. Terent. Heaut.* iv. 1. 42. *Ovid. Amor.* ii. 15. 23., also by suppliants, *Liv.* xliii. 16. *Val. Max.* viii. 1. 3., and in mourning, *Liv.* ix. 7. *Suet. Aug.* 101. *Isidor.* xix. 31.

The case (*capsula*) where rings were kept, was called *DACTYLOTHECA*, *Martial.* xi. 60.

Rings were set with precious stones (*gemmæ*) of various kinds; as jasper (*jaspis*), sardonyx, adamant, &c., *Martial.* ii. 50. v. 11.; on which were engraved the images of some of their ancestors or friends, of a prince or a great man, *Cic. Cat.* iii. 5. *Fin.* v. 1. *Ovid. Trist.* i. 6. 5. *Plin. Ep.* x. 16. *Suet. Tib.* 58. *Senec. de Ben.* iii. 26., or the representation of some signal event, *Suet. Galb.* x., or the like, *Plin.* xxxvii. 1. *Plaut. Curc.* iii. 50. † Thus on Pompey's ring were engraved three trophies, *Dio.* xlii. 18., as emblems of his three triumphs over the three parts of the world, Europe, Asia, and Africa, *Cic. Sext.* 61. *Pis.* 13. *Balb.* 4. 6. *Plin.* vii. 26.; on Cæsar's ring, an armed Venus, *Dio.* xliii. 43.; on that of Augustus, first a sphynx, afterwards the image of Alexander the Great, and at last his own, which the succeeding emperors continued to use, *Plin.* 37. 1. *Suet. Aug.* 50. *Dio.* li. 3. [On that of Mæcenæ, a frog; on that of Otho, a dog on the prow of a ship.]

Nonius, a senator, is said to have been proscribed by Antony, for the sake of a gem in his ring, worth 20,000 sesterces, *Plin.* xxxvii. 6. s. 21.

Rings were used chiefly for sealing letters and papers (*ad tabulas obsignandas*, *ANNULUS SIGNATORIUS*), *Macrob. Sat.* vii. 13. ‡ *Liv.* xxvii. 28. *Tacit. Annal.* ii. 2. *Martial.* ix. 89., also cellars, chests, casks, &c., *Plaut. Cas.* ii. 1. 10. *Cic. Fam.* xvi. 26. § They were affixed to certain signs or symbols (*symbola*, vel -i), used for tokens,

\* Dr. Adam has better interpreted the *aurum semestre* in *Juv.* vii. 89. in p. 339. where he refers it to the ring worn by the legionary tribunes during the period of their command, — six months.

† The art of engraving on stones is mentioned in *Exodus*, xxviii. 9. 11.

‡ Hence slaves were not allowed the privilege of wearing them.

§ For the sealing of wills: — *Juv.* i. 68.

“Signator falsò, qui se lautum atque beatum  
Exiguâ tabulis, et gemmâ fecerat udâ:”

Moistened to prevent the wax sticking to it: *exiguâ*, brief, because one person alone was mentioned in them as heir: as in xii. 124., “omnia soli forsan Pacuvio breviter dabit.”

like what we call *Tallies*, or *Tally-sticks*, and given in contracts instead of a bill or bond, *Plaut. Bacch.* ii. 3. 29. *Pseud.* i. 1. 53. ii. 2. 53. iv. 7. 104., or for any sign, *Justin.* ii. 12. Rings used also to be given by those who agreed to club for an entertainment (*qui coiērent, ut de symbolis essent*, i. e. *qui communi sumptu erant unā cœnaturi*), to the person commissioned to bespeak it (*qui ei rei præfectus est*), *Ter. Eun.* iii. 4. 1. *Plaut. Stich.* iii. 1. 28. 34., from *symbola*, a shot or reckoning: hence *symbolam dare*, to pay his reckoning, *Ter. And.* i. 1. 61. *Asymbolus ad cœnam venire*, without paying, *Id. Phorm.* ii. 2. 25. *Gell.* vi. 13. The Romans anciently called a ring *UNGULUS*, from *unguis*, a nail; as the Greeks *δακτύλιος*, from *δάκτυλος*, a finger; afterwards both called it *symbolus* vel *-um*, *Plin.* xxxiii. 1. s. 4.

When a person at the point of death delivered his ring to any one, it was esteemed a mark of particular affection, *Curt.* x. 5. *Justin.* xii. 15. *Val. Max.* vii. 88.

Rings were usually pulled off from the fingers of persons dying, *Suet. Tib.* 83. *Cal.* 12.; but they seem to have been sometimes put on again before the dead body was burnt, *Prop.* iv. 7. 9.

Rings were worn by women as well as men, both before and after marriage, *Horat. Od.* i. 9. 23. *Terent. Hec.* iv. 1. 59. v. 3. 30. It seems any free woman might wear a golden one, *Plaut. Cæs.* iii. 5. 63.; and *Isidorus* says, all free men, xix. 32., contrary to other authors. A ring used to be given by a man to the woman he was about to marry, as a pledge of their intended union (*ANNULUS PRONŪBUS*), *Juvenal.* vi. 27.; a plain iron one (*ferreus sine gemmâ*) according to *Pliny*, xxxi. 1.; but others make it of gold, *Tertull. Apolog.* 6. *Isid.* xix. 32. Those who triumphed also wore an iron ring, *Plin.* xxxiii. 1. s. 4.

The ancient Romans, like other rude nations, suffered their beards to grow, *Liv.* v. 41. (hence called *barbati*, *Cic. Mur.* 12. *Cœl.* 14. *Fin.* iv. 23. *Juvenal.* iv. 103., but *barbatus* is also put for a full-grown man, *Horat. Sat.* ii. 3. 249., *Juvenal.* x. 66., *Martial.* viii. 52.), till about the year of the city 454, one P. Ticinius Mænas, or Mæna, brought barbers from Sicily, and first introduced the custom of shaving at Rome, *Plin.* vii. 59., which continued to the time of Hadrian, who, to cover some excrescences on his chin, revived the custom of letting the beard grow, *Spartian. Adrian.* 26., but that of shaving was soon after resumed.

The Romans usually wore their hair short, and dressed it (*cæsariem*, *crines*, *capillos*, *comam* vel *comas*, *pectebant* vel *comebant*) with great care, especially in later ages, when attention to this part of dress was carried to the greatest excess, *Senec. de brev. Vitæ*, 12. Ointments and perfumes were used even in the army, *Suet. Cæs.* 67.

When young men first began to shave (*cùm barba resecta est*, *Ovid. Trist.* iv. 10. 58.), they were said *ponere barbam*, *Suet. Cal.* 10. The day on which they did this was held as a festival, and presents were sent to them by their friends, *Juvenal.* iii. 187. *Martial.* iii. 6.

The beard was shaven, for the first time, sooner or later, at pleasure; sometimes when the *toga virilis* was assumed, *Suet. Cal.* 10., but usually about the age of twenty-one, *Macrob. in Som. Scip.* i. 6. Augustus did not shave till twenty-five, *Dio.* xlviii. 34. Hence young men with a long down (*lanugo*) were called *Juvenes barbatuli*, *Cic. Att.* i. 14., or *bene barbati*, *Id. Cat.* ii. 10.



The first growth of the beard (*prima barba vel lanugo*) was consecrated to some god, *Petron.* 29.; thus Nero consecrated his in a golden box (*pixide aurea*), set with pearls, to Jupiter Capitolinus, *Suet. Ner.* 12. At the same time, the hair of the head was cut and consecrated also; usually to Apollo, *Martial.* i. 32.; sometimes to Bacchus, *Stat. Theb.* viii. 493. Till then they wore it uncut, either loose, *Horat. Od.* ii. 5. 23. iii. 20. 13. iv. 10. 3., or bound behind in a knot (*renodabant vel nodo religabant*), *Id. Epod.* xi. 42. Hence they were called *CAPILLATI*, *Petron.* 27.

Both men and women among the Greeks and Romans used to let their hair grow (*pascere, alere, nutrire, promittere vel submittere*), in honour of some divinity, not only in youth, but afterwards, *Virg. Æn.* vii. 391. *Stat. Sylv.* iii. *Præf. et carm.* 4. 6. *Theb.* ii. 253. vi. 607. *Censorin. de D. N.* 1. *Plutarch. in Thes.*, as the Nazarites among the Jews, *Numb.* vi. 5. So Paul, *Acts*, xviii. 18.

The Britons, in the time of Cæsar, shaved the rest of their body, all except the head and upper lip, *Cæs. B. C.* v. 10.

In grief and mourning the Romans allowed their hair and beard to grow (*promittebant vel submittebant*), *Liv.* vi. 16. *Suet. Jul.* 67. *Aug.* 23. *Cal.* 24., or let it flow dishevelled (*solvebant*), *Liv.* i. 26. *Terent. Heaut.* ii. 3. 45. *Virg. Æn.* iii. 65. *Ovid. Fast.* ii. 813., tore it (*lacerabant vel evellebant*), *Cic. Tusc.* iii. 26. *Curt.* x. 5., or covered it with dust and ashes, *Virg. Æn.* xii. 609. *Catull.* xlv. 224. The Greeks, on the contrary, in grief cut their hair and shaved their beard, *Senec. Benef.* v. 6. *Plutarch. in Pelopid. et Alexand. Bion. Eidyll.* 1. 81., as likewise did some barbarous nations, *Suet. Cal.* 5. It was reckoned ignominious among the Jews to shave a person's beard, *2 Sam.* x. 4. Among the *Catti*, a nation of Germany, a young man was not allowed to shave, or cut his hair, till he had slain an enemy, *Tacit. de Mor. Germ.* 31. So, *Civilis*, in consequence of a vow, *Id. Hist.* iv. 61.

Those who professed philosophy also used to let their beard grow, to give them an air of gravity, *Horat. Sat.* i. 3. 133. ii. 3. 35. *Art. Poet.* 297. Hence *Barbatus magister* for Socrates, *Pers.* iv. 1.; but *liber barbatus*, i. e. *villosus*, rough, *Martial.* xiv. 14., *barbatus vivit*, without shaving, *Id.* xi. 85. 18.

Augustus used sometimes to clip (*tondere forfice*) his beard, and sometimes to shave it (*radere novacula*, i. e. *radendam curare vel facere*), *Suet. Aug.* 79. So *Martial.* ii. 17. Some used to pull the hairs from the root (*pilos vellere*) with an instrument called *VOLSELLA*, nippers or small pincers, *Plaut. Curc.* iv. 4. 22. *Suet. Cæs.* 45., not only of the face, but the legs, &c., *Id. Jul.* 45. *Aug.* 68. *Galb.* 22. *Oth.* 12. *Martial.* v. 62. viii. 46. ix. 28. *Quinctil.* i. 6. v. 9. viii., *procem.*, or to burn them out with the flame of nut-shells (*suburere nuce ardenti*), *Suet. Aug.* 68., or of walnut-shells (*adurere candentibus juglandium putaminibus*), as the tyrant Dionysius did, *Cic. Tusc.* v. 20. *Off.* ii. 7.; or with a certain ointment, called *PSILOTHRUM* vel *DROPAX*, *Martial.* iii. 74. vi. 93. x. 65., or with hot pitch or rosin, which Juvenal calls *calidi fascia visci*, ix. 14.; for this purpose certain women were employed, called *USTRICULÆ*, *Tertull. de pall.* 4. This pulling off the hairs, however, was always reckoned a mark of great effeminacy, *Gell.* vii. 12. *Cic. Rosc. Com.* 7. *Plin. Ep.* xxix. 1. s. 8., except from the



arm-pits (*alæ vel axillæ*), Horat. Epod. xii. 5. Senec. Ep. 114. Juvenal. xi. 157.; as likewise to use a mirror when shaving, Juvenal. ii. 99. Martial. vi. 64. 4.

The Romans, under the emperors, began to use a kind of peruke or periwig, to cover or supply the want of hair, called CAPILLAMENTUM, Suet. Cal. 11., or GALERUS, Juvenal. vi. 120., or GALERICULUM, Suet. Oth. 12. The false hair (*crines ficti vel suppositi*) seems to have been fixed on a skin, Martial. xiv. 50.\* This contrivance does not appear to have been known in the time of Julius Cæsar [whose baldness was concealed by the crown of laurel conferred upon him], Suet. Jul. 45., at least not to have been used by men; for it was used by women, Ovid. Amor. i. 14. 45.

In great families there were slaves for dressing the hair and for shaving (TONSORES), Ovid. Met. xi. 182. Martial. vi. 52., and for cutting the nails, Plaut. Aul. ii. 4. 33. Tibull. i. 8. 11. Val. Max. iii. 2. 15.; sometimes female slaves did this (TONSTRICES), Cic. Tusc. v. 20. Plaut. Truc. iv. 3. 59.

There were, for poorer people, public barbers' shops or shades (TONSTRINÆ), much frequented, Ter. Phorm. i. 2. 29. Horat. Ep. i. 7. 50., where females also used to officiate, Martial. ii. 17.

Slaves were dressed nearly in the same manner with the poor people (see p. 363.) in clothes of a darkish colour (*pullati*), and slippers (*crepidati*); hence *vestis servilis*, Cic. Pis. 38., *Servilis habitus*, Tacit. Hist. iv. 36.

Slaves in white are mentioned with disapprobation, Plaut. Casin. ii. sc. ult. Suet. Dom. 12.† They wore either a straight tunic, called EXŌMIS or DIPHTHĒRA, Gell. vii. 12. Hesych. 16., or a coarse frock (*lacerna et cucullus*), Horat. Sat. ii. 7. 54. Juvenal. iii. 170. Martial. x. 76.

It was once proposed in the senate, that slaves should be distinguished from citizens by their dress; but it appeared dangerous to discover their number, Senec. de Clem. i. 24. Epist. 18.‡

Slaves wore their beard and hair long. When manumitted they shaved their head and put on a cap (*pileus*), Juvenal. v. 171. Plaut. Amphit. i. 1. 306. — See p. 40.§

In like manner, those who had escaped from shipwreck shaved their head, Plaut. Rud. v. 2. 16. Juvenal. xii. 81. Lucian. in Ermotim. In calm weather mariners neither cut their hair nor nails, Petron. 104. So those accused of a capital crime, when acquitted, cut their hair and shaved, and went to the Capitol to return thanks to Jupiter, Martial. ii. 74. Plin. Ep. 7. 27.

\* “ Ne lutet immundum nīdos ceroma capillos  
Hac poteris madidas condere pelle comas: ” —

used therefore, it appears, by wrestlers, to protect their hair from coming in contact with the filthy oil with which they anointed themselves before they exercised.

† “ On the stage, however, white was appropriated as the costume of slaves. ” — Blair, p. 97.

‡ Alexander Severus appointed a certain garb for the servile classes.

§ “ Slaves who were much exposed to weather in the country, had a dress or mantle of skins (*tigelum*) with a cap (*cento*) and gloves or gauntlets (*manicæ*), while a cloak with a hood (*cucullus* or *cucullio*) or a watch-coat (*panula*) was often worn by them in other situations. ” — Blair, p. 99.

The ancients regarded so much the cutting of the hair, that they believed no one died, till *Proserpina*, either in person, or by the ministrations of *Atröpos*, cut off a hair from the head, which was considered as a kind of first-fruits of consecration to Pluto, *Virg. Æn.* iv. 698. *Hor. Od.* i. 28. 20.

## II. ROMAN ENTERTAINMENTS, EXERCISES, BATHS, PRIVATE GAMES, &c.

THE principal meal of the Romans was what they called CÆNA, supper; supposed by some to have been anciently their only one, *Isidor.* xx. 2.

The usual time for the *cæna* was the ninth hour, or three o'clock, afternoon, in summer, *Cic. Fam.* ix. 26. *Martial.* iv. 8. 6. [*Hor. Epist.* i. 7. 71.], and the tenth hour in winter, *Auct. ad Herenn.* iv. 51. *Plin. Ep.* iii. 1. It was esteemed luxurious to sup more early, *Juvenal.* i. 49. *Plin. Pan.* 49.

An entertainment begun before the usual time, and prolonged till late at night, was called CONVIVIUM TEMPESTIVUM; if prolonged till near morning, CÆNA ANTELUCANA, *Cic. Cat.* ii. 10. *Cic. Arch.* 6. *Mur.* 6. *Verr.* iii. 25. *Sen.* 14. *Att.* ix. 1. [13.] *Senec. de Ira*, ii. 28. *Suet. Cal.* 45. [*Tac. Ann.* xi. 37. *Hist.* ii. 68.] Such as feasted in this manner, were said *epulari vel vivere DE DIE*, *Liv.* xxv. 23. *Cat.* xlvii. 6. *Suet. Ner.* 27. *Curt.* v. 22., and *IN DIEM vivere*, when they had no thought of futurity, *Cic. Phil.* ii. 34. *Tuso.* v. 11. *Orat.* ii. 40. *Plin. Ep.* v. 5., a thing which was subject to the animadversion of the censors.

About mid-day the Romans took another meal, called PRANDIUM, dinner, which anciently used to be called CÆNA (*κοινή*, i. e. *cibus communis*, a pluribus sumptus, *Plutarch. Sympos.* viii. 6. *Isid.* xx. 2., quo *Plinius* alludere videtur, *Ep.* ii. 6.), because taken in company; and food taken in the evening (*cibus vespertinus*), VESPERNA; *Festus in CÆNA*. But when the Romans, upon the increase of riches, began to devote longer time to the *cæna* or common meal, that it might not interfere with business, it was deferred till the evening; and food taken at mid-day was called PRANDIUM.

At the hour of dinner the people used to be dismissed from the spectacles, *Suet. Claud.* 34. *Cal.* 56. 58.; which custom first began A. U. 393, *Dio.* xxxvii. 46.

They took only a little light food (*cibum levem et facilem sumebant*, v. *gustabant*), *Plin. Ep.* iii. 4., for dinner, without any formal preparation, *Cels.* i. 3. *Horat. Sat.* i. 6. 127. ii. 4. 22. *Senec. Epist.* 84. *Martial.* xiii. 30., but not always so, *Plaut. Poen.* iii. 5. 14. *Cic. Verr.* i. 19. *Horat. Sat.* ii. 3. 245. *Suet. Claud.* 33. *Domit.* 21.\*

Sometimes the emperors gave public dinners to the whole Roman people, *Suet. Jul.* 38. *Tib.* 20.

A dinner was called PRANDIUM CANINUM vel *abstemium*, at which no wine was drunk (*quod canis vino caret*), *Gell.* xiii. 29.

\* After this meal, they retired for a short time to sleep; a custom which still prevails in Italy and Spain.

In the army, food taken at any time was called PRANDIUM, *Liv.* xxviii. 14., and the army after it, PRANSUS et PARATUS, *Gell.* xv. 13.

Besides the *prandium* and *cæna*, it became customary to take in the morning a breakfast (JENTACULUM), *Plaut. Cure.* i. 1. 72. *Suet. Vitell.* 13. *Martial.* xiii. 31. xiv. 223., and something delicious after supper to eat with their drink, called COMISSATIO, *Suet. Vitell.* 13. *Domit.* 21. They used sometimes to sup in one place, and take this after repast in another, *Ibid. Liv.* xl. 7. 9. *Plaut. Most.* i. 4, 5.

As the entertainment after supper was often continued till late at night, *Suet. Tit.* 7., hence COMISSARI, to feast luxuriously, to revel, to riot (*καμάζειν*, a *κόμη*, *vicus*, Festus, vel *potius* a *Κῆμος*, *Comus*, the god of nocturnal merriment and feasting among the Greeks), *Hor. Od.* iv. 1. 9. *Quinct.* xi. 3. 57. COMISSATIO, a feast of that kind, revelling or rioting after supper, *Cic. Cat.* ii. 5. *Mur.* 6. *Cæc.* 15. *Martial.* xii. 48. 11. COMISSATOR, a person who indulged in such feasting, a companion or associate in feasting and revelling, *Ter. Adelph.* v. 2. 8. *Liv.* xl. 7. *Martial.* iv. 5. 3. ix. 62. 15. *Petron.* 65. *Gell.* iv. 14. Hence Cicero calls the favourers of the conspiracy of Catiline, after it was suppressed, COMISSATORES CONJURATIONIS, *Att.* i. 16.

Some took food betwixt dinner and supper, called MERENDA (*quia vulgò dabatur iis, qui ære merebant, i. e. mercenariis, antequam labore mitterentur: a domino seu conductore*), *Plaut. Most.* iv. 2. 50., or ANTECÆNA, vel -ium, *Isidor.* xx. 22.

The ancient Romans lived on the simplest fare, chiefly on pottage (*puls*), or bread and pot-herbs. Hence every thing eaten with bread, or besides bread, was afterwards named PULMENTUM, or PULMENTARIUM, (*ὀψώνιον*, *opsonium*, called in Scotland, *Kitchen*), *Plin.* xviii. 8. *Varro de Lat. Ling.* iv. 22. *Horat. Sat.* ii. 2. 20. *Ep.* i. 18. 48. *Senec. Ep.* 87. *Phædr.* iii. 7. 23. *Juvenal.* vii. 185. xiv. 171. *Uncta pulmentaria*, i. e. *lauta et delicata fercula*, nice delicate dishes, *Pers.* iii. 102. Their chief magistrates and most illustrious generals, when out of office, cultivated the ground with their own hands, sat down at the same board, and partook of the same food with their servants; as Cato the Censor, *Plutarch.* They sometimes even dressed their dinner themselves, as *Curius*, *Plin.* xix. 5. s. 26. *Juvenal.* xi. 79.; or had it brought them to the field by their wives, *Martial.* iv. 64.

But when riches were introduced by the extension of conquest, the manners of the people were changed, luxury seized all ranks, *Sævior armis Luxuria incubuit, victumque ulciscitur orbem*, *Juvenal.* vi. 291. The pleasures of the table became the chief object of attention. Every thing was ransacked to gratify the appetite (*vescendi causâ terrâ marique omnia exquirere*, &c., *Sall. Cat.* 13. *Gustus*, i. e. *dapes delicatas*, dainties, *elementa per omnia quærunt*, *Juvenal.* xi. 14.)

The Romans at first sat at meals, *Ovid. Fast.* vi. 305. *Serv. in Virg. Æn.* vii. 176., as did also the Greeks. Homer's heroes sat on different seats (*ἑσώροι*, *solia*) around the wall, with a small table before each, on which the meat and drink were set, *Odys.* i. iii. &c. vii. viii. So the Germans, *Tacit. de M. G.* 22., and Spaniards, *Strab.* ii. p. 155.

Custom of reclining (*accumbendi*) on couches (*LECTI* vel introduced from the nations of the East; and first adopted men, *Val. Max.* ii. 1. 2., but afterwards [from the period of the Cæsars] allowed also to the women. It was used in the time of Scipio Africanus the elder, *Liv.* xxviii. 28.

Images of the gods used to be placed in this posture in a *Lectus*; that of Jupiter reclining on a couch, and those of Juno and Minerva erect on seats, *Val. Max.* ii. 1, 2.

And young men below seventeen, sat at the foot of the couch with their parents or friends (*in imo lecto* vel *subsellio*, vel *ad lecti fulcra* et), *Suet.* Aug. 64., at a more frugal table (*propriâ et parciore* *facit.* Ann. xiii. 16.; sometimes also girls, *Suet. Claud.* 32., and sons of low rank, *Plaut. Stich.* iii. 2. 32. v. 4. 21. *Donat.* in *Terent.*

The custom of reclining took place only at supper. There was no reclining at other meals. Persons took them alone or in company, standing or sitting, *Suet.* Aug. 78.

The place where they supped was anciently called *CŒNACULUM*, the higher part of the house, *Varro de Lat. Ling.* iv. 33., whence the whole upper part or highest story of a house was called by that name, *Liv.* xxxix. 40. *Suet. Vit.* 7., afterwards *CŒNATIO*, *Suet.* 31. *Juvenal.* vii. 183., or *TRICLINIUM*, *Cic. Att.* 52. *Suet.* 43. *Tib.* 72., because three couches (*τρεῖς κλῖναι*, *tres lecti*, *in ares* vel *discubitorii*) were spread (*sternebantur*) around the table, on which the guests might recline, *Serv. in Virg. Æn.* i. 698.

In each couch there were commonly three. They lay with the upper part of the body reclined on the left arm, the head a little raised, the back supported by cushions (*pulvini* v. *-illi*), and the legs stretched out at full length, or a little bent; the feet of the first behind the back of the second, and his feet behind the back of the third, with a pillow between each. The head of the second was opposite to the breast of the first, so that, if he wanted to speak to him, especially if the thing was to be secret, he was obliged to lean upon his bosom (*in sinu recumbere*, *Plin.* Ep. iv. 22.), thus, *John* xiii. 23. In conversation, those who spoke raised themselves almost upright, supported by cushions. When they ate, they raised themselves on their elbow, *Horat. Od.* i. 27. 8. *Sat.* ii. 4. 39., and made use of the right hand, sometimes of both hands; for we do not read of their using either knives or forks: hence *Manus unctæ*, *Hor.* Ep. i. 16. 23.

He who reclined at the top (*ad caput lecti*) was called *SUMMUS* vel *primus*, the highest; at the foot, *IMUS* vel *ultimus*, the lowest; between them, *MEDIUS*, which was esteemed the most honourable place, *Virg. ib.* *Horat. Sat.* ii. 8. 20.

If a consul was present at a feast, his place was the lowest on the middle couch, which was hence called *LOCUS CONSULARIS*, because there he could most conveniently receive any messages that were sent to him, *Plutarch. Sympos.* ii. 3. The master of the feast reclined at the top of the lowest couch, next to the consul.

Sometimes in one couch there were only two, sometimes four, *Horat. Sat.* i. 4. 86. It was reckoned sordid to have more, *Cic. Pis.* 27.

Sometimes there were only two couches in a room : hence called *BICLINIUM*, *Quinctil.* i. 5. *Plaut. Bacch.* iv. 4. 69. 102.

The number of couches depended on that of the guests, which Varro said ought not to be below the number of the Graces, nor above that of the Muses, *Gell.* xiii. 11. So, in the time of Plautus, the number of those who reclined on couches did not exceed nine, *Stich.* iii. 2. 31. iv. 2. 12. The persons whom those who were invited had liberty to bring with them, were called *UMBRÆ*, uninvited guests, *Hor. Sat.* ii. 8. 22. *Ep.* i. 5. 28.

The bedsteads (*SPONDÆ*) and feet (*FULCRA* vel *pedes*) were made of wood, *Ovid. Met.* viii. 656.\*, sometimes of silver or gold, *Suet. Jul.* 49., or adorned with plates (*bracteæ* vel *laminæ*) of silver, *Suet. Cal.* 22. *Martial.* viii. 35. 5.† On the couch was laid a mattress or quilt (*CULCITA*, *Juvenal.* v. 17. *Plin.* xix. 1., vel *MATTA*, *Ovid. Fast.* vi. 680.) stuffed with feathers or wool, *Cic. Tusc.* iii. 19., anciently with hay or chaff (*ſæno* vel *acere* aut *paleâ*), Varro de Lat. Ling. iv. 35. All kinds of stuffing (*omnia farcimina*) were called *TOMENTUM*, quasi *tondimentum*, *Suet. Tib.* 54. *Martial.* xi. 22. xiv. 150.

A couch with coarse stuffing (*conciſa palus*, i. e. *arundines palustres*), a pallet, was called *Tomentum CIRCENSE*, because such were used in the *Circus*; opposed to *Tomentum*, *LINGONICUM*, v. *LEUCONICUM*, *Martial.* xiv. 160. *Sen. de Vit. Beat.* 25.

At first, couches seem to have been covered with herbs or leaves, *Ovid. Fast.* i. 200. 205., hence *LECTUS*, a couch (*quòd herbis et frondibus lectis incubabant*), Varro de Lat. Ling. iv. 35. vel *TORUS* (*quia veteres super herbam tortam discumbabant*, Id. et Serv. in Virg. *Æn.* i. 708. v. 388. vel, ut alii dicunt, quòd lectus toris, i. e. *funibus tenderetur*, *Horat. Epod.* xii. 12.), or with straw (*stramen* vel *stramentum*), *Plin.* viii. 48. *Horat. Sat.* ii. 3. 117.

The cloth or ticking which covered the mattress or couch, the bed-covering (*operimentum* vel *involucrum*), was called *TORAL*, *Horat. Sat.* ii. 4. 84. *Ep.* i. 5. 22., by later writers, *Torule*, *Linteum*, or *SEGESTRE*, v. -trum, -trium, Varro, *ibid.*; or *LODIX*, which is also put for a sheet or blanket, *Juvenal.* vi. 194. vii. 66. *Martial.* xiv. 148. 152. *Lodicula*, a small blanket or flannel coverlet for the body, *Suet. Aug.* 83.

On solemn occasions, the couches were covered with superb cloth, with purple and embroidery (*STRAGULA VESTIS*), *Cic. Verr.* ii. 19. *Liv.* xxxiv. 7. *Horat. Sat.* ii. 2, 3. 118., *picta stragula*, *Tibull.* i. 2. 79. *Textile stragulum*, an embroidered coverlet, with a beautiful mattress below (*pulcherrimo strato*), *Cic. Tusc.* v. 21., but some read here *pulcherrimè*; as *Lectus stratus conchyliato peristromate*, bespread with a purple covering [from *conchylium*, a kind of shell-fish, from

\* Small, low, wooden couches are termed *lectuli Punicani* by Valer. Max. vii. 5., because they resembled those in use among the Carthaginians.

† In the time of Juvenal, it was customary to inlay their furniture, and particularly their couches, with the largest and finest pieces of tortoise-shell which they could procure: thus, in *Sat.* xi. 94., he says of the ancient Romans: —

“ Nemo inter curas et seria duxit habendum,  
Qualis in Oceani fluctu testudo nataret;  
Clarum Trojugenis factura ac nobile fulcrum.”

So *Martial*, xii. 67. “Gemmantes primâ fulgent testudine lecti.”

which a purple dye was made], *Cic. Phil.* ii. 27., also *ATTALICA peripetasmata*, *Cic. Verr.* iv. 12., much the same with what Virgil calls *superba aulæa*, fine tapestry, *Æn.* i. 697., said to have been first invented at the court (*in aulâ*, hinc *AULÆA*) of Attalus, King of Pergamus, *Plin.* viii. 48. *Babylonica peristromata consutaque tapetia*, wrought with needle-work, *Plaut. Stich.* ii. 2. 54.\*

Hangings (*aulæa*) used likewise to be suspended from the top of the room, to receive the dust, *Horat. Sat.* ii. 8. 54. *Serv. in Virg. Æn.* i. 697.

Under the emperors, instead of three couches was introduced the use of one of a semicircular form, thus, C; called SIGMA, from the Greek letter of that name, which usually contained seven, *Martial.* ix. 48., sometimes eight, called also STIBADIUM, *Id.* xiv. 87. But in later ages, the custom was introduced, which still prevails in the East, of sitting or reclining on the floor at meat, and, at other times, on cushions, *ACCUBITA*, *Scholiast. in Juvenal.* v. 17. *Lamprid. Heliog.* 19. 25., covered with cloths, *ACCUBITALIA*, *Treb. Pollio in Claud.* 14.

The tables (*MENSÆ*) of the Romans were anciently square, and called *CIBILLÆ*, *Varro de Lat. Ling.* iv. 25. *Festus*; on three sides of which were placed three couches; the fourth side was left empty for the slaves to bring in and out the dishes. When the semicircular couch, or the *sigma*, came to be used, tables were made round, *Juvenal.* i. 137.

The tables of the great were usually made of citron or maple wood, and adorned with ivory, *Cic. Verr.* iv. 17. *Martial.* xiv. 89, 90. ii. 48. *Plin.* xiii. 15. s. 29.†

The tables were sometimes brought in and out with the dishes on them; hence *Mensam APPONERE*, *Plaut. Asin.* v. 1. 2. *Id. Most.* i. 3. 150. iii. 1. 26. *Cic. Att.* xiv. 21. *Ovid. Met.* viii. 570., & *AUFERRE*, *Plaut. Amph.* ii. 2. 175., *vel REMOVERE*, *Virg. Æn.* i. 220. 627., but some here take *mensæ* for the dishes. Sometimes the dishes were set down on the table; hence *cibum, lances, patinas, vel œenam mensis APPONERE*, *Virg. Æn.* iv. 602. *Cic. Tusc.* v. 32. *Verr.* iv. 22. *Att.* vi. 1. *Epulis mensas onerare*, *Virg. G.* iv. 378. [*Æn.* i. 706.], *DEMERE vel TOLLERE*, *Plaut. Mil.* iii. 1. 55., &c.

*MENSA* is sometimes put for the meat or dishes (*lanx, patina, patella, vel discus*): hence *PRIMA MENSA*, for *prima fercula*, the first course, the meat, *Macrob. Sat.* vii. 1. *SECUNDA MENSA*, the second course, the fruits, &c. *bellaria*, or the dessert, *Cic. Att.* xiv. 6. *Fam.* xiv. 21. *Virg. G.* ii. 101. *Nep. Ages.* 8. *Mittere de mensâ*, to send

\* *Hor. Sat.* ii. 6. 102., "rubro ubi cocco Tincta super lectos canderet vestis eburnos."

† "The tables most valued were made of a kind of wood with which we are at present unacquainted; it appears to have been brought from some part of Barbary, and was called *citron-wood*; but the timber from the tree of that name is far from beautiful; and certainly was not then so scarce as to command an extraordinary price; yet we are told of a single table, formed of it, having cost a million of sesterces! They were at first used without any covering, and it was not until the reign of the emperors that cloths were introduced; these were of coloured woollen, or silk and wool intermixed, and variously ornamented with embroidery; but those most in fashion were striped with gold and purple." — *Sketches of the Institutions, &c. of the Romans*, p. 285.



some dish, or part of a dish, to a person absent, *Cic. Att. v. 1. Dapes mensæ brevis*, a short meal, a frugal table, *Horat. Art. P. 198.*, *mensa opima*, a rich table, *Sil. xi. 283.*

Virgil uses *mensæ* for the cakes of wheaten bread (*adoreæ liba vel cereale solum*. SOLUM *omne dicitur, quod aliquid sustinet*, Serv. in Virg. Ecl. vi. 35. Æn. v. 199. Ovid. Met. i. 73.) put under the meat, which he calls *orbes*, because of their circular figure; and *quadra*, because each cake was divided into four parts, quarters, or quadrants, by two straight lines drawn through the centre, *Virg. Æn. vii. 116.* Hence *aliend vivere quadra*, at another's expense or table, *Juvenal. v. 2.*, *findetur quadra*, i. e. *frustum panis*, the piece of bread, *Horat. Ep. i. 17. 49.* So *quadra placentæ vel casei*, *Martial. vi. 75. xii. 32. 18.*

A table with one foot was called MONOPODIUM. These were of a circular figure (*orbes*), used chiefly by the rich, and commonly adorned with ivory and sculpture, *Juvenal. i. 138. xi. 123.*

A side-board was called ABACUS, *Liv. xxxix. 6. Cic. Verr. iv. 16. 25. Tusc. v. 21.*, or DELPHICA, sc. *mensa*, Vet. Schol. in *Juvenal. iii. 204. Martial. xii. 67. Cic. Verr. iv. 59. LAPIS ALBUS*, i. e. *mensa marmorea*, *Horat. Sat. i. 6. 116.*

The table of the poorer people commonly had three feet (TRIPES), *Horat. Sat. i. 3. 13.*, and sometimes one of them shorter than the other two, *Ovid. Met. viii. 661.* Hence *inæquales MENSÆ*, *Martial. i. 56. 11.*

The ancient Romans did not use table-cloths (*mantilia*), but wiped the table with a sponge, *Martial. xiv. 44.*, or with a coarse cloth (*gausäpe*), *Horat. Sat. ii. 8. 11.*

Before the guests began to eat they always washed their hands, and a towel (MANTILE vel *-tele, -telle, -um, vel -ium,*) was furnished them in the house where they supped to dry them, *Virg. Æn. i. 702. G. iv. 377.* But each guest seems to have brought with him, from home, the table-napkin (MAPPA) or cloth, which he used, in time of eating, to wipe his mouth and hands, *Martial. xii. 29. Hor. Sat. ii. 8. 63.*, but not always, *Hor. Ep. i. 5. 22.* The *mappa* was sometimes adorned with a purple fringe (*lato clavo*), *Mart. iv. 46. 17.*

The guests used sometimes, with the permission of the master of the feast, to put some part of the entertainment into the *mappa*, and give it to their slaves to carry home, *Mart. ii. 32.*

Table-cloths (*lintea villosa, gausäpa vel mantilia*) began to be used under the emperors, *Mart. xiv. 138. xii. 29. 12.*

In later times, the Romans, before supper, used always to bathe, *Plaut. Stich. v. 2. 19.* The wealthy had baths (BALNEUM vel *Balineum*, plur. *-neæ vel -a*), both cold and hot, at their own houses, *Cic. de Orat. ii. 55.* There were public baths (BALNEA) for the use of the citizens at large, *Cic. Cæl. 26. Horat. Ep. i. 1. 92.*, where there were separate apartments for the men and women (*balnea virilia et muliebria*), Varro de Lat. Ling. viii. 42. Vitruv. v. 10. Gell. x. 3. Each paid to the bath-keeper (*balneator*) a small coin (*quadrans*), *Horat. Sat. i. 3. 137. Juvenal. vi. 446.* Hence *res quadrantaria* for *balneum*, *Senec. Epist. 89. Quadrantaria permutatio*, i. e. *pro quadrante copiam sui fecit*, *Cic. Cæl. 26.* So *quadrantaria* is put for a mean harlot, *Quinctil. viii. 6.* Those under age paid nothing, *Juvenal. vi. 446.*

[ii. 152. "Nec pueri credunt, nisi *qui nondum ære lavantur*:" in allusion to the superstitions respecting the infernal regions, &c.].

The usual time of bathing was two o'clock (*octava hora*) in summer, and three in winter, *Plin. Ep. iii. 1. Martial. x. 48.*; on festival days, sooner, *Juvenal. xi. 205.*

The Romans, before bathing, took various kinds of exercise (*exercitationes campestres, post decisa negotia campo*, sc. Martio, *Hor. Ep. i. 7. 59.*); as the ball or tennis (*PILA*), *Horat. Sat. i. 5. 48.*, throwing the javelin, and the *DISCUS* or quoit, a round bullet of stone, iron, or lead, with a thong tied to it, *Horat. Od. i. 8. 11.*, the *PALUS* or *PALARIA*, *Juvenal. vi. 246.* (see p. 327.) riding, running, leaping, &c., *Suet. Aug. 83. Martial. vii. 31.*

There were chiefly four kinds of balls:—1. *PILA TRIGONALIS* vel *TRIGON*, so called, because those who played at it were placed in a triangle (*τρίγωνον*), and tossed it from one to another; he who first let it come to the ground was the loser. [*Martial. xii. 83. Hor. Sat. i. 6. 126.*]—2. *FOLLIS* vel *folliculus*, inflated with wind like our football, which, if large, they drove with the arms, and simply called *PILA*, *Prop. iii. 12. 5.*, or *PILA VELOX*, *Horat. Sat. ii. 2. 11.*, if smaller, with the hand, armed with a kind of gauntlet, hence called *FOLLIS PUGILLATORIUS*, *Plaut. Rud. iii. 4. 16. Martial. xiv. 47.*—3. *PILA PAGANICA*, the village ball, stuffed with feathers, less than the *follis*, but more weighty, *Martial. xiv. 45.*—4. *HARPASTUM* (*ab ἀπράζω, rapio*), the smallest of all, which they snatched from one another, *Martial. iv. 19. vii. 31. Suet. Aug. 83.*

Those who played at the ball were said *ludere raptim*, vel *pilam revocare cadentem*, when they struck it rebounding from the ground: when a number played together in a ring, and the person who had the ball seemed to aim at one, but struck another, *ludere datatim*, vel *non sperato fugientem reddere gestu*; when they snatched the ball from one another, and threw it aloft, without letting it fall to the ground, *ludere expulsim*, vel *pilam geminare volantem*, *Lucan. ad Pison. 173. Plaut. Curc. ii. 3. 17. Isidor. i. 21.*

In country villas there was usually a tennis-court, or place for playing at the ball, and for other exercises, laid out in the form of a *circus*; hence called *SPHÆRISTERIUM*, *Suet. Vesp. 20. Plin. Ep. ii. 17. v. 6.*

Young men and boys used to amuse themselves in whirling along a circle of brass or iron, set round with rings, as our children do wooden hoops. It was called *TROCHUS*, (*α τρέχω, curro*), and *Græcus trochus*, because borrowed from the Greeks, [*Eur. Med. 45.*] *Horat. Od. iii. 24. 57. Martial. xi. 22. xiv. 169.* The top (*TURBO* vel *buxum*) was peculiar to boys, *Virg. Æn. vii. 378. Pers. iii. 51.* Some confounded these two, but improperly.

Those who could not join in these exercises took the air on foot, in a carriage, or a litter.

There were various places for walking (*AMBULACRA* vel *AMBULATIONES, ubi spatiarentur*), both public and private, under the open air, or under covering, *Cic. Dom. 44. Orat. ii. 20. Att. xiii. 29. ad Q. Fratr. iii. 17. Gell. i. 2. Horat. Od. ii. 15, 16. Ep. i. 10. 22. Juvenal. iv. 5. vi. 60.*

Covered walks (*PORTICUS*, porticos or piazzas,) were built in different places, chiefly round the *Campus Martius* and *Forum*, sup-

ported by marble pillars, and adorned with statues and pictures, some of them of immense extent; as those of Claudius, *Martial. de Spect.* ii. 9., of Augustus, *Suet.* 31., of Apollo\*, *Prop.* ii. 31. 1. *Ovid. Trist.* iii. 1. 59., of Nero, *Suet. Ner.* 31., of Pompey, *Cic. de Fat.* 4. *Ovid. Art. Am.* i. 67., of Livia, *Plin. Ep.* i. 5., &c.

Porticos were employed for various other purposes besides taking exercise. Sometimes the senate was assembled, and courts of justice held in them.

A place set apart for the purpose of exercise, on horseback or in vehicles, was called GESTATIO. In villas it was generally contiguous to the garden, and laid out in the form of a *circus*, *Plin. Epist.* i. 3. ii. 17.

An enclosed gallery, with large windows to cool it in summer, was called CRYPTOPORTICUS, *Plin. Epist.* ii. 17. v. 6., commonly with a double row of windows, *Id.* vii. 21.

Literary men for the sake of exercise (*stomachi causâ*), used to read aloud (*clarè et intentè legere*), *Plin. Ep.* ix. 36.

As the Romans neither wore linen nor used stockings, frequent bathing was necessary both for cleanliness and health, especially as they took so much exercise.

Anciently they had no other bath but the Tiber. They, indeed, had no water but what they drew from thence, or from wells in the city and neighbourhood; as the fountain of *Egeria*, at the foot of Mount Aventine, *Liv.* i. 19. *Ovid. Fast.* iii. 273. *Juvenal.* iii. 13., of Mercury, *Ovid. Fast.* v. 673, &c.

The first aqueduct at Rome was built by Appius Claudius, the censor, about the year of the city 441. *Diodor.* xx. 36. Seven or eight aqueducts were afterwards built, which brought water to Rome, from the distance of many miles [from 12 to 62 miles], in such abundance, that no city was better supplied.

These aqueducts were constructed at a prodigious expense; carried through rocks and mountains, and over vallies, supported on stone or brick arches.† Hence it is supposed, that the Romans were ignorant that water, conveyed in pipes, rises to the height of its source, whatever be the distance or inequality of ground through which it passes. It is strange they did not discover this fact, considering the frequent use they made of pipes (*fistulæ*) in conveying water. That they were not entirely ignorant of it appears from Pliny, who says, *Aqua in vel e plumbo subit altitudinem exortûs sui*, water in leaden pipes rises to the height of its source, xxxi. 6. s. 31. The truth is, no pipes could have supported the weight of water conveyed to the city in the Roman aqueducts.

The waters were collected in reservoirs, called CASTELLA, and

\* "Every edifice of the kind prior to this era was eclipsed by the splendour of the Palatine portico, dedicated to Apollo. It was supported by pillars of Numidian marble, enlivened with exquisite paintings and statues, and emblazoned with brass and gold. It enclosed the library and temple of Apollo, so often alluded to by the writers of the Augustan age, and was deservedly ranked among the wonders of the city." — *Eustace*, iii. p. 190. A library was also attached to the portico of Octavia, the sister of Augustus, which enclosed the temples of Jupiter and Juno.

† "Two in particular, the Claudia and *Anio nova*, were carried over arches for more than 20 miles, and sometimes raised more than 120 feet above the level of the country." — *Eustace*, iii. p. 170.

thence distributed throughout the city in leaden pipes, *Plin.* xxxvi. 15. *Horat. Ep.* i. 10. 20.\*

When the city was fully supplied with water, frequent baths were built, both by private individuals, and for the use of the public; at first, however, more for utility than show (*in usum, non oblectamentum*), *Senec. Ep.* 86.

It was under Augustus that baths first began to assume an air of grandeur, and were called THERMÆ, (*θέρμαι, calores, i. e. calidæ aquæ*, *Liv.* xxxvi. 15.) bagnios or hot baths, although they also contained cold baths. An incredible number of these were built up and down the city, *Plin. Epist.* iv. 8. Authors reckon up above 800, many of them built by the emperors with amazing magnificence. The chief were those of Agrippa near the *Panthëon*, *Dio.* liii. 27. *Martial.* iii. 20., of Nero, *Martial.* vii. 33. *Stat. Sylv.* i. 5. 61., of Titus, *Suet.* 7., of Domitian, *Suet.* 5., of Caracalla†, Antoninus, Dioclesian‡, &c. Of these, splendid vestiges still remain.

The basin (*labrum* aut *lacus*) where they bathed was called BAPTISTERIUM, NATATIO or PISCĪNA. The cold bath was called FRIGIDARIUM, sc. *ahenum* vel *balneum*; the hot, CALDARIUM, and the tepid, TEPIDARIUM. The cold bath room, CELLA FRIGIDARIA; and the hot, CELLA CALDARIA, *Plin. Epist.* v. 6. *Vitruv.* v. 10.; the stove room, HYPOCAUSTON, or VAPORARIUM, *Cic. Q. Fratr.* iii. 1., warmed by a furnace (*propnigēum* vel *præfurnium*) below, *Plin. Ep.* ii. 17., adjoining to which were sweating rooms, (SUDATORIA, *Senec. Epist.* 52., vel *Assa*, sc. *balnea*, *Cic. Q.*

\* The Julian aqueduct, built by Agrippa, contained 190 reservoirs and 500 fountains.

† “The length of the Thermæ of Caracalla [the principal ruin on Mount Aventine] was 1840 feet, its breadth 1476 feet. At each end were two temples, one to Apollo, and another to Æsculapius, as the *Genii tutelares* of a place sacred to the improvement of the mind and to the care of the body. The two other temples were dedicated to the two protecting divinities of the Antonine family, Hercules and Bacchus. In the principal building were, in the first place, a grand circular vestibule with four halls on each side, for cold, tepid, warm, and steam baths; in the centre was an immense square, for exercise when the weather was unfavourable to it in the open air; beyond it a great hall, where 1600 marble seats were placed for the convenience of the bathers; at each end of this hall were libraries. This building terminated on both sides in a court surrounded with porticoes, with an odeum for music, and in the middle a capacious basin for swimming. Round this edifice were walks shaded by rows of trees, particularly the plane; and in its front extended a gymnasium for running, wrestling, &c. in fine weather. The whole was bounded by a vast portico opening into exedrae or spacious halls, where poets declaimed and philosophers gave lectures.

“This immense fabric was adorned within and without with pillars, stucco-work, paintings, and statues. The stucco and painting, though faintly indeed, are yet in many places perceptible. Pillars have been dug up, and some still remain among the ruins; while the Farnesian bull, and the famous Hercules, found in one of these halls, announce the multiplicity and beauty of the statues which once adorned the Thermæ of Caracalla. The flues and reservoirs for water still remain. The height of the pile was proportioned to its extent, and still appears very considerable, even though the ground be raised at least 12 feet above its ancient level. It is now changed into gardens and vineyards: its high massive walls form separations, and its limy ruins, spread over the surface, burn the soil, and check its natural fertility.” — *Eustace's Class. Tour*, vol. i. p. 395.

‡ The remains of the baths of Dioclesian, the largest in Rome, have been converted into a monastery. These ruins stand upon the Viminal and Quirinal hills.

Fratr. iii. 1.) the undressing room, *APODITERIUM*, *Cic. ibid. Plin. Ep. v. 6.*, the perfuming room, *UNCTUARIUM*, ii. 17. Several improvements were made in the construction of baths in the time of Seneca, *Epist. 90.*

The Romans began their bathing with hot water, and ended with cold. The cold bath was in great repute after Antonius Musa recovered Augustus from a dangerous disease by the use of it, *Suet. Aug. 59. 81. Plin. xxix. 1. Horat. Ep. i. 15.*, but fell into discredit after the death of Marcellus, which was occasioned by the injudicious application of the same remedy, *Dio. liii. 30.*

The person who had the charge of the bath was called *BALNEATOR*, *Cic. Cael. 26. Phil. xiii. 12.* He had slaves under him, called *CAPSARII*, who took care of the clothes of those who bathed.

The slaves who anointed those who bathed were called *ALIPTÆ*, *Cic. Fam. i. 9. 35. Juvenal. iii. 76. vi. 421.*, or *UNCTORES*, *Martial. vii. 31. 6. xii. 71. 3.*

The instruments of an *Aliptes* were a curry-comb or scraper, (*STRIGILIS*, v. -*il*) to rub off (*ad defricandum et destringendum vel radendum*) the sweat and filth from the body, made of horn or brass, sometimes of silver or gold, *Suet. Aug. 80. Horat. Sat. ii. 7. 110. Pers. v. 126. Martial. xiv. 51. Senec. Epist. 95.*, whence *strigmenta* for *sordes*; — towels or rubbing cloths (*LINTEA*); — a vial or cruet of oil (*GUTTUS*), *Juvenal. iii. 263. xi. 158.*, usually of horn (*corneus*), hence a large horn was called *RHINOCEROS*, *Juvenal. vii. 130. Martial. xiv. 52, 53. Gell. xvii. 8.*; — a jug (*AMPULLA*), *Plaut. Stich. i. 3. 77. Pers. i. 3. 44.*; — and a small vessel called *Lenticula*.

The slave who had the care of the ointments was called *UNGUENTARIUS*, *Serv. in Virg. Æn. i. 697.*

As there was a great concourse of people to the baths, poets sometimes read their compositions there, *Horat. Sat. i. 4. 73. Martial. iii. 44. 10.*, as they also did in the porticoes and other places, *Juvenal. i. 12. vii. 39. Plin. Epist. i. 13. iii. 18. vii. 17. viii. 12. Suet. Aug. 89. Claud. 41. Domit. 2.*, chiefly in the months of July and August, *Plin. Epist. viii. 21. Juvenal. iii. 9.*

Studious men used to compose, hear, or dictate something while they were rubbed and wiped, *Suet. Aug. 85. Plin. Epist. iii. 5. iv. 14.*

Before bathing, the Romans sometimes used to bask themselves in the sun (*sole uti*), *Plin. Ep. iii. 5. vi. 16. Sen. Ep. 73. In sole, si caret vento, ambulet nudus*, sc. *Spurrina*, *Plin. Ep. iii. 1.*

Under the emperors, not only places of exercise (*gymnasia et palestræ*), but also libraries (*bibliothecæ*), were annexed to the public baths, *Senec. de Tranquil. An. 9.*

The Romans after bathing dressed for supper.\* They put on the *SYNTHESIS* (*vestis cœnatoria vel accubitoria*) and slippers: which, when a person supped abroad, were carried to the place by a slave, with other things requisite; a mean person sometimes carried them himself, *Horat. Ep. i. 13. 15.* It was thought very wrong to appear

\* Some appear to have indulged in intoxication even at the *Thermæ*. — *Martial. xii. 70.*

A sene sed postquam patruo venere trecenta,  
Sobrius a thermis nescit abire domum.

*Persius*, *Sat. iii. 98.*, has the same allusion. *Juvenal* also speaks of the *Therma-rum calices*, *Sat. viii. 168.*

at a banquet without the proper habit, *Cic. Vat.* 12., as among the Jews, *Matth.* xxii. 11.

After exercise and bathing, the body required rest; hence probably the custom of reclining on couches at meat. Before they lay down they put off their slippers, that they might not stain the couches, *Martial.* iii. 50. *Horat. Sat.* ii. 8. 77.

At feasts the guests were crowned with garlands of flowers, herbs, or leaves, (*serta, coronæ, vel corollæ,*) tied and adorned with ribands (*vittæ, tæniæ, vel lemnisci,*) or with the rind or skin of the linden tree (*philyra*), *Horat. Od.* [i. 38.] ii. 7. 23. ii. 11. 13. *Sat.* ii. 3. 256. *Virg. Ecl.* vi. 16. *Juvenal.* v. 36. xv. 50. *Martial.* xiii. 127. *Ovid. Fast.* v. 337. *Plin.* xvi. 14. These crowns, [more particularly of parsley, ivy, myrtle, and laurel,] it was thought, prevented intoxication; hence *cum coronâ ebrius*, *Plaut. Pseud.* v. 2. 2. *Amph.* iii. 4. 16.\*

Their hair also was perfumed with various ointments (*unguenta vel aromata*), nard or spikenard (*NARDUM, vel -us*), *MALOBATHRUM ASSYRIUM*, *Horat. ibid. Martial.* iii. 12. *AMOMUM*, *Virg. Ecl.* iii. 89. iv. 25., *BALSAMUM ex Judæa*, *Plin.* xii. 25. s. 54, &c. When foreign ointments were first used at Rome is uncertain: the selling of them was prohibited by the censors, A. U. 565. *Plin.* xiii. 3. s. 5.

The Romans began their feasts by prayers and libations to the gods (*deos invocabant*, *Quintilian.* v. pr. *Libare diis dapēs et bene precari*, *Liv.* xxxix. 43.). They never tasted any thing without consecrating it, *Tibull.* i. 1. 19.; they usually threw a part into the fire as an offering to the *Lares*, therefore called *DII PATELLARII*, *Plaut. Cist.* ii. 1. 46.; hence *DAPES LIBATÆ*, *Horat. Sat.* ii. 6. 67.; and when they drank they poured out a part in honour of some god on the table, which was held sacred as an altar, *Macrob. Sat.* iii. 11. *Virg. Æn.* i. 736. *Sil.* vii. 185. 748. *Plaut. Curc.* i. 2. 31. *Ovid. Amor.* i. 4. 27., with this formula, *LIBO TIBI*, *Tacit. Annal.* xv. 64.

The table was consecrated by setting on it the images of the *Lares* and salt-holders (*salinorum appositu*), *Arnob.* ii.

Salt was held in great veneration by the ancients. It was always used in sacrifices, *Horat. Od.* iii. 23. 20. *Plin.* xxvi. 7. s. 41.; thus also Moses ordained, *Levit.* ii. 13. It was the chief thing eaten by the ancient Romans with bread and cheese, *Plin. ibid. Horat. Sat.* ii. 2. 17., as cresses (*nasturtium*) by the ancient Persians, *Cic. Tusc.* v. 84. Hence *SALARIIUM*, a salary or pension †, *Plin. ibid. Suet. Tib.* 46. *Martial.* iii. 7.; thus, *Salaria multis subtraxit, quos otiosos videbat accipere*, sc. Antoninus Pius, *Capitolin. in vita ejus*, 7. ‡

\* The same custom prevailed among the Jews: *Isaiah*, xxviii. 1. "Woe to the crown of pride, to the drunkards of Ephraim." *Wisdom*, ii. 7, 8. "Let us fill ourselves with costly wine and ointments; let no flower of the spring pass by us: let us crown ourselves with rosebuds, before they be withered."

† "Under the emperors, *Tac. Agric.* 42., *Salarium*, proconsulari solitum offerri, *Agricolæ Domitianus non dedit.*" — *T.*

‡ "Hor. *Sat.* i. 5. 46.

*Proxima Campano ponti quæ villula, tectum*

*Præbuit, et parochi, quæ debent, ligna salemque.*" — *T.*

"*Parochi*, commissaries. Before the consulship of Lucius Posthumius, the magistrates of Rome travelled at the public charge, without being burdensome to the provinces. Afterwards, however, it was provided by the *Lex Julia de Provinciis*, that the towns through which any public functionary, or any individual employed in



A family salt-cellar (*paternum salinum*, sc. *vas*) was kept with great care, *Horat. Od. ii. 16. 14.* To spill the salt at table was esteemed ominous, *Festus*. Setting the salt before a stranger was reckoned a symbol of friendship, as it still is by some eastern nations.

From the savour which salt gives to food, and the insipidity of unsalted meat, *sal* was applied to the mind, *Plin. xxxi. 7. s. 41.*: hence *SAL*, wit or humour; *salsus*, witty; *insulsus*, dull, insipid; *sales*, witty sayings; *sal Atticum*, *sales urbani*, *Cic. Fam. ix. 15.* *Sales intra pomeria nati*, polite raillery or repartees, *Juvenal. ix. 11.* *Sal niger*, i. e. *amari sales*, bitter raillery or satire, *Horat. Ep. ii. 2. 60.*; but in *Sat. ii. 4. 74.*, *sal nigrum* means simply *black salt*.

*Sal* is metaphorically applied also to things; thus *Tectum plus salis quam sumptus habebat*, neatness, taste, elegance, *Nep. Att. 18.* *Nulla in corpore mica salis*, *Catull. 84. 4.*

The custom of placing the images of the gods on the table prevailed also among the Greeks and Persians, particularly of Hercules; hence called *EPITRAPEZIUS*, *Stat. Sylv. iv. 6. 60.* *Martial. ix. 44.*, and of making libations, *Curt. v. 8.*

In making an oath or a prayer, the ancients touched the table as an altar, *Ovid. Amor. i. 4. 27.*, and to violate it by any indecent word or action was esteemed impious, *Juvenal. ii. 110.* To this Virgil alludes, *Æn. vii. 114.*

As the ancients had not proper inns for the accommodation of travellers, the Romans, when they were in foreign countries, or at a distance from home, used to lodge at the houses of certain persons, whom they in return entertained at their houses in Rome. This was esteemed a very intimate connection, and called *HOSPITIUM*, or *Jus Hospitii*, *Liv. i. 1.* Hence *HOSPES* is put both for an host or entertainer, and a guest, *Ovid. Met. x. 224.* *Plaut. Most. ii. 2. 48.* *Cic. Deiot. 3.* *Accipere hospitem non multi cibi sed multi joci*, *Cic. Fam. ix. 26.* *Divertere ad hospitem*, *De Divin. i. 27. s. 57.* *Fin. v. 2.* *Hospitium cum aliquo facere*, *Liv. et Cic.* *Jungimus hospitio dextras*, sc. *in*, *Virg. Æn. iii. 83.* *Hospitio conjungi*, *Cic. Q. Fr. i. 1.* *Hospitio aliquem excipere et accipi*; *renunciare hospitium ei*, *Cic. Verr. ii. 36.* *Liv. xxv. 18.* *Amicitiam ei more majorum renunciare*, *Suet. Cal. 3.* *Tacit. Ann. ii. 70.* *Domo interdicere*, *Id. Aug. 66.* *Tacit. Ann. vi. 29.*

This connection was formed also with states, by the whole Roman people, or by particular persons, *Liv. ii. 22. v. 28. [50.] xxxvii. 54.* *Cic. Verr. iv. 65.* *Balb. 18.* *Cæs. B. G. i. 31.* Hence *Clientelæ hospitique provincialia*, *Cic. Cat. iv. 11.* *Publici hospitii jura*, *Plin. iii. 4.*

Individuals used anciently to have a tally (*TESSERA hospitalitatis*), or piece of wood cut into two parts, of which each party kept one, *Plaut. Pæn. v. 1. 22. 2. 92.* They swore fidelity to one another by Jupiter, hence called *HOSPITALIS*, *Cic. Q. Fr. ii. 11.* Hence a person who had violated the rites of hospitality, and thus precluded him-

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the business of the state, passed, should supply him and his retinue with firewood, salt, hay, and straw; in other words, with lodging and entertainment. Officers were appointed, called *Parochi* (*παροχοί*), whose business it was to see that these things were duly supplied. Compare *Livy*, xlii. 1. *Cic. ad Att. xiii. 2. & v. 16.* The name *Parochus*, when converted into its corresponding Latin form, will be *Præbitor*, which occurs in *Cic. de Off. i. 15.* — *Anthon.*

self from access to any family, was said CONFREGISSE TESSERAM, *Plant. Cist.* ii. 1. 27.

A league of hospitality was sometimes formed by persons at a distance, by mutually sending presents to one another, *quæ mittit dona, hospitio quum jungeret absens, Cædîcus*, *Virg. Æn.* ix. 361.

The relation of *hospites* was esteemed next to that of parents and clients, *Gell.* i. 13. To violate it was esteemed the greatest impiety, *Virg. Æn.* v. 55. *Cic. Verr.* v. 42.

The reception of any stranger was called *Hospitium*, or plur. -IA, *Ovid. Fast.* vi. 536., and also the house or apartment in which he was entertained; thus, *hospitium sit tua villa meum*, *Ovid. Pont.* i. 8. 69., *Divisi in hospitia*, lodgings, *Liv.* ii. 14. *HOSPITALE cubiculum*, the guest-chamber, *Liv.* i. 58. *Hospitio utebatur Tulli*, lodged at the house of, *Ib.* 35. Hence *Florus* calls *Ostia*, *Maritimum urbis hospitium*, i. 4. So *Virgil* calls *Thrace*, *Hospitium antiquum Trojæ*, a place in ancient hospitality with Troy, *Æn.* iii. 15. *Linquere pollutum hospitium*, i. e. *locum in quo jura hospitii violata fuerant*, *Ib.* 61.

The Roman nobility used to build apartments (*domunculæ*) for strangers, called *HOSPITALIA*, on the right and left end of their houses, with separate entries, that upon their arrival they might be received there, and not into the *peristyle* or principal entry; *PERISTYLIUM*, so called because surrounded with columns, *Vitruv.* vi. 10. *Suet. Aug.* 82.

The CÆNA of the Romans usually consisted of two parts, called *MENSA PRIMA*, the first course, consisting of different kinds of meat; and *MENSA SECUNDA* vel *ALTERA*, the second course, consisting of fruits and sweetmeats, *Serv. in Virg. Æn.* i. 216. 723. viii. 283.

In later times the first part of the *cæna* was called *GUSTATIO*, *Petron.* 22. 31., or *GUSTUS*, consisting of dishes to excite the appetite, a whet, *Martial.* xi. 32. 53., and wine mixed with water and sweetened with honey, called *MULSUM*, *Horat. Sat.* ii. 4. 26. *Cic. Tusc.* iii. 10. *Orat.* ii. 70. *Fin.* ii. 5. s. 17. *Plin.* xxii. 24., whence what was eaten and drunk (*antecæna*) to whet the appetite was named *PROMULSIS*, *Cic. Fam.* ix. 16. 23. *Senec. Ep.* 123., and the place where these things were kept, *PROMULSIDARIUM*, v. -re, or *GUSTATORIUM*, *Petron.* 31. *Plin. Ep.* v. 6. *Martial.* xiv. 88. *Plin.* ix. 12.

But *gustatio* is also put for an occasional refreshment through the day, or for breakfast, *Plin. Ep.* iii. 5. vi. 16. *Suet. Aug.* 76. *Vopisc. Tac.* 11.

The principal dish at supper was called *CÆNÆ CAPUT* vel *POMPA*, *Martial.* x. 31. *Cic. Tusc.* v. 34. *Fin.* ii. 8.

The Romans usually began their entertainments with eggs, and ended with fruits: hence *AB OVO USQUE AD MALA*, from the beginning to the end of supper, *Horat. Sat.* i. 3. 6. *Cic. Fam.* ix. 20.

The dishes (*edulia*) held in the highest estimation by the Romans are enumerated, *Gell.* vii. 16. *Macrobi. Sat.* ii. 9. *Stat. Silv.* iv. 6. 8. *Martial.* v. 79. ix. 48. xi. 53. &c., a peacock, (*PAVO*, v. -us,) *Horat. Sat.* ii. 2. 23. *Juvenal.* i. 143., first used by *Hortensius*, the orator, at a supper which he gave when admitted into the college of priests (*aditiali cœnâ sacerdotii*), *Plin.* x. 20. s. 23. a pheasant (*PHASIANA*

ex Phasi *Colchidis fluvio*), *Martial.* iii. 58. xiii. 72. *Senec.* ad *Helv.* 9. *Petron.* 79. *Manil.* v. 372., a bird called *Attāgen* vel *-ēna*, from Ionia or Phrygia, *Horat. Epod.* ii. 54. *Martial.* xiii. 61., a guinea-hen (*avis Afra*, *Horat.* *ibid.* *Gallina Numidica* vel *Africana*, *Juvenal.* xi. 142. *Martial.* xiii. 73.), a Melian crane, an Ambracian kid; nightingales, *luscinæ*; thrushes, *turdi*; ducks, geese, &c. TOMACULUM (α τέμνω), vel ISICIUM (ab *insēco*), sausages or puddings, *Juvenal.* x. 355. *Martial.* i. 42. 9. *Petron.* 31.

Sometimes a whole boar was served up; hence called ANIMAL PROPTER CONVIVIA NATUM, *Juvenal.* i. 141. [*Hor. Sat.* ii. 8. 6.] and PORCUS TROJANUS, stuffed with the flesh of other animals, *Macrob. Sat.* ii. 2.

The Romans were particularly fond of fish, *Macrob. Sat.* ii. 11. *Mullus*, the mullet; *rhombus*, thought to be the turbot; *muræna*, the lamprey; *scarus*, the scar or schar; *acipenser*, the sturgeon; *lupus*, a pike, &c., but especially of shell-fish, *pisces testacei*, *pectines*, *pectunculi*, vel CONCHYLIA, *ostrea*, oysters, &c., which they sometimes brought all the way from Britain, *Rutupinoque edita fundo*, from *Rutupia*, Richborough in Kent, *Juvenal.* iv. 141.; also snails (*cochleæ*), *Plin. Ep.* i. 15.

Oyster-beds (*ostrearum vivaria*) were first invented by one Sergius Arata, before the Marsic war, A. U. 660, on the shore of Baïæ (in *Baiano*), and on the Lucrine lake, *Plin.* ix. 54. s. 79. Hence Lucrine oysters are celebrated, *Horat. Epod.* ii. 49. Some preferred those of Brundisium; and to settle the difference, oysters used to be brought from thence, and fed for some time on the Lucrine lake, *Plin. ibid.*

The Romans used to weigh their fishes alive at table; and to see them expire was reckoned a piece of high entertainment, *Plin.* ix. 17. s. 30. *Senec. Nat. Q.* iii. 17, 18.

The dishes of the second table, or the dessert, were called BELLARIA; including fruits, *poma* vel *mala*, apples, pears, nuts, figs, olives, grapes; *Pistachiæ*, vel *-a*, Pistachio nuts; *amygdalæ*, almonds; *uvæ passæ*, dried grapes, raisins; *caricæ*, dried figs; *palmulæ*, *caryotæ*, vel *dactyli*, dates, the fruit of the palm-tree; *bolēti*, mushrooms, *Plin. Ep.* i. 7.; *nuclei pinei*, the kernels of pine-nuts; also sweetmeats, confections, or confections, called *Edulia mellita* vel *dulciaria*; *cupediæ*; *crustula*, *liba*, *placentæ*, *artologāni*, cheese-cakes, or the like; *coptæ*, almond-cakes; *scriblitæ*, tarts, &c. whence the maker of them, the pastry-cook, or the confectioner, was called *Pistor* vel *conditor dulciarius*, *placentarius*, *libarius*, *crustularius*, &c.

There were various slaves who prepared the victuals, who put them in order, and served them up.

Anciently the baker and cook (*pistor* et *coquus* vel *cocus*) were the same, *Festus*. An expert cook was hired occasionally, *Plaut. Aul.* ii. 4. 185. *Pseud.* iii. 2, 3. 30., whose distinguishing badge was a knife which he carried, *Id. Aul.* iii. 2, 3. But after the luxury of the table was converted into an art, cooks were purchased at a great price, *Liv.* xxxix. 6. *Plin.* ix. 17. s. 31. *Martial.* xiv. 220. Cooks from Sicily in particular were highly valued, *Athen.* xiv. 23., hence *Siculæ dapes*, nice dishes, *Horat. Od.* iii. 1. 18.

There were no bakers at Rome before A. U. 580; baking was the work of the women, *Plin.* xviii. 11. s. 28. *Varro de Re Rust.* ii. 10.; but

Plutarch says, that anciently Roman women used neither to bake nor cook victuals, *Quæst. Rom.* 84. s. 85.

The chief cook, who had the direction of the kitchen (*qui coquina præerat*), was called ARCHIMAGIRUS, *Juvenal.* ix. 109. The butler, who had the care of provisions, PROMUS CONDUS, *Procurator peni* (*PENUS autem omne quo vescuntur homines*, Cic. de Nat. D. ii. 27.), Plaut. Pseud. ii. 2. 14. Horat. Sat. ii. 2. 16. He who put them in order, STRUCTOR, *Martial.* ix. 48. *Juvenal.* vii. 184., and sometimes carved, *Id.* v. 120. xi. 136., the same with CARPTOR, *Carpus*, or *Scissor*, *Id.* ix. 110. He who had the charge of the hall, ATRI-

any of them less than 400,000 sesterces, about 3229*l.* 3*s.* 4*d.* *Ibid.* Thus he is said to have spent in less than a year, *Novies millies H. S.* i. e. 7,265,625*l.* *Dio.* lxxv. 3. *Tacit. Hist.* ii. 95.

An uncommon dish was introduced to the sound of the flute, and the servants were crowned with flowers, *Macrob. Sat.* ii. 12.

In the time of supper the guests were entertained with music and dancing\*, *Petron.* 35, 36., sometimes with pantomimes and play-actors, *Plaut. Stich.* ii. 2. 56. *Spartian. Adrian.* 26.; with fools (*moriones*), and buffoons, *Plin. Ep.* ix. 17.; and even with gladiators, *Capitolin. in. Vera*, 4.; but the more sober had only persons to read or repeat select passages from books (*ANAGNOSTÆ vel ACROAMATA*), *Cic. Att.* i. 12. *Fam.* v. 9. *Nep. Att.* xiii. 14. *Suet. Aug.* 78. *Plin. Ep.* i. 15. iii. 5. vi. 81. ix. 36. *Gell.* iii. 19. xiii. 11. xix. 7. *Martial.* iii. 50. Their highest pleasure at entertainments arose from agreeable conversation, *Cic. Sen.* 14. *Horat. Sat.* ii. 6. 70.

To prevent the bad effects of repletion, some used after supper to take a vomit: thus Cæsar, (*accubuit, ἰμῆτιν' ἄγεbat,* i. e. *post cœnam vomere volebat, ideoque largius edebat,*) *Cic. Att.* xiii. 52. *Deiot.* 7.; also before supper and at other times, *Suet. Vit.* 13. *Cic. Phil.* ii. 41. *Cels.* i. 3. *Vomunt, ut edant; edunt, ut vomant,* *Senec. ad Helv.* 9. Even women, after bathing before supper, used to drink wine and throw it up again to sharpen their appetite, (*Falerni sextarius alter Ducitur ante cibum, rabidam facturum orexim,*) *Juvenal.* vi. 427.†

A sumptuous entertainment (*cœna lauta, opima vel opipara*) was called AUGURALIS, *Cic. Fam.* vii. 26. PONTIFICALIS vel *Pontificum*, *Hor. Od.* ii. 14. 28. SALIARIS, *Id.* i. 37. *Cic. Att.* v. 9., because used by these priests; or DUBIA, *ubi tu dubites quid sumas potissimum*, *Ter. Phor.* ii. 2. 28. *Hor. Sat.* ii. 2. 76.

When a person proposed supping with any one without invitation, or, as we say, invited himself (*cœnam ei condixit vel ad cœnam*), *Cic. Fam.* i. 9. *Suet. Tib.* 42., he was called HOSPES OBLATUS, *Plin. Præf.*, and the entertainment, SUBITA CONDUCTAQUE CÆNULA, *Suet. Claud.* 21.

An entertainment given to a person newly returned from abroad was called *Cœna ADVENTITIA vel -toria*, *Suet. Vit.* 13., vel VIATICA, *Plaut. Bacch.* i. 1. 61.; by patrons to their clients, *Cœna RECTA*, opposed to SPORTULA, *Martial.* viii. 50.; by a person, when he entered on an office, CÆNA ADITIALIS vel ADJICIALIS, *Suet. Claud.* 9. *Senec. Ep.* 95. 123.

Clients used to wait on their patrons at their houses early in the morning, to pay their respects to them (*salutare*), *Martial.* ii. 18. 3. iii. 36. iv. 8. *Juvenal.* i. 128. [iii. 129.] v. 19.‡; and sometimes to attend them through the day wherever they went, dressed in a white toga, *Id.* vii. 142. *Martial.* i. 56. 13.; hence called ANTEAMBULONES, *Id.* iii. 7., NIVEI QUIRITES; and from their number, TURBA TOGATA,

\* Dancing was considered as highly indecorous in respectable persons, *Cic. pro Mur.* 6.: "Saltatorem appellat L. Murenam Cato. Maledictum est, si verè obijcitur, vehementis accusatoris: sin falsò, maledici conviciatoris." Yet Seneca, de *Tranq. An.* c. 15., mentions that Scipio Africanus practised a dance of a manly and animated character.

† The wine used for this purpose was also called *tropis*, *Martial. Ep.* xii. 84., from *τρέπω, verto*, as we say, turning the stomach.

‡ *Pliny, Ep.* iii. 12., calls these visits *officia antelucana*.

et PRÆCEDENTIA LONGI AGMINIS OFFICIA, *Juv.* i. 96. viii. 49. x. 44. On which account, on solemn occasions, they were invited to supper, *Juv.* v. 24. *Suet. Claud.* 21., and plentifully entertained in the hall. This was called CÆNA RECTA, i. e. *justa et sollemnis adeoque lauta et opipara*, a formal plentiful supper; hence *convivari rectè*, sc. *cand*, *Suet. Aug.* 74., *rectè et dapsilè*, i. e. *abundanter*, to keep a good table, *Id. Vesp.* 19. So *Vivere rectè vel cum recto apparatu*, *Senec. Epist.* 110. 122.

But upon the increase of luxury it became customary under the emperors, instead of a supper, to give each, at least of the poorer clients, a certain portion or dole of meat to carry home in a pannier or small basket (SPORTULA); which likewise being found inconvenient, money was given in place of it, called also SPORTULA, to the amount generally of 100 *quadrantes*, or 25 *asses*, i. e. about 1s. 7d. each, *Juvenal.* i. 95. 120. *Martial.* i. 60. iii. 7. xi. 75.; sometimes to persons of rank, to women as well as men, *Ibid.\** This word is put likewise for the hire given by orators to those whom they employed to applaud them, while they were pleading, *Plin. Ep.* ii. 14. [*Juvenal.* xiii. 32. *vocalis sportula*: compare *Hor. Ep.* i. 19. 37.]

SPORTULÆ, or pecuniary donations instead of suppers, were established by Nero, *Suet. Ner.* 16., but abolished by Domitian, and the custom of formal suppers restored, *Suet. Domit.* 7.

The ordinary drink of the Romans at feasts was wine, which they mixed with water, and sometimes with aromatics or spices, *Juvenal.* vi. 302. [*perfusa mero spumant unguenta Falerno.*]† They used

\* The *Sportula*, as we find from Juvenal, was placed for distribution at the outward door of the house, instead of the clients being admitted, as formerly, to the *atrium* of their patrons:—"Nunc sportula primo Limine parva sedet, turba rapienda togatæ," i. 96. By the *turba togata* is meant the poorer clients. The distributor appears to have been very cautious in scrutinising the identity of the claimants:—

"Ille tamen faciem prius inspicit, et trepidat ne  
Suppositus venias, ac falso nomine poscas:  
Agnitus accipies." — *Ibid.* 97.

It appears that even noble personages ("*ipsi Trojugenæ*," as the poet terms them) did not scruple to mix with the *turba togata*, for the sake of sharing in the distribution:—

—————"Nam vexant limen et ipsi  
Nobiscum: da Prætori, da deinde Tribuno." — *Ibid.* 100.

No dole, it appears, was given, except to those who came in person, and the poet satirises one character who imposes upon the distributor,

("Ostendens vacuum et clausam pro conjuge sellam;")

telling him, that he is unwilling his wife should be disturbed, since she is ill and sleeping:—

"Profer, Galla, caput. Noli vexare, quiescit." — *Ibid.* 126.

† "This most extravagant custom of pouring precious ointments into wine, and drinking them off together, is mentioned, in terms of great indignation, by the elder Pliny (xviii. 3.):—"At hercule, jam quidem etiam in potus addant (unguenta) — ut odore prodigo fruantur ex utraque parte corporis!" It was then, we see, confined to a few, but it swiftly spread, with every other vicious excess, and when Martial wrote was common enough:—

'Hac licet in gemmâ, quæ servat nomina Cosmi,  
Luxuriose, bibas, si foliata sitis.'

Cosmus seems to have been a celebrated compounder of this unguent. This mon-



water, either cold or hot, *Juvenal.* v. 63. *Martial.* viii. 67. 7. i. 12. xiv. 105. *Plaut. Curc.* ii. 3. 13. *et Mil.* iii. 2. 22.

A place where wine was sold (*taberna vinaria*) was called *ŒNOPOLIUM*; where mulled wines and hot drinks were sold, *THERMOPOLIUM*, *Plaut. Ibid. et Rud.* ii. 6. 43. *Pseud.* ii. 4. 52.\*

Wine anciently was very rare. It was used chiefly in the worship of the gods.† Young men below thirty, and women all their lifetime, were forbidden to drink it, unless at sacrifices, *Val. Max.* ii. 1. 5. vi. 3. *Gell.* x. 23. *Plin.* xiv. 13., whence, according to some, the custom of saluting female relations, that it might be known whether they had drunk wine, *Ibid. & Plutarch. Q. Rom.* 6. But afterwards, when wine became more plentiful, these restrictions were removed; which Ovid hints was the case even in the time of Tarquin the Proud, *Fast.* ii. 740.

Vineyards came to be so much cultivated, that it appeared agriculture was thereby neglected; on which account Domitian, by an edict, prohibited any new vineyards to be planted in Italy, and ordered at least the one half to be cut down in the provinces, *Suet. Dom.* 7. But this edict was soon after abrogated. *Ib.* 14.

The Romans reared their vines by fastening them to certain trees, as the [black and white] poplar, [the ash, the maple,] and the

strous luxury continued in fashion to the decline of the empire. It is casually mentioned by Ælian, (*Hist.* l. xii.) *μύρρα ὀλῖον μὲνύντες οὕτως ἐπιπνόν;* and introduced more than once by Claudian. Since strong infusions of aromatic ointments in wine are said to produce giddiness, it is probable that this corrupt and profligate people adopted this singular practice for the mere purpose of accelerating and heightening the effects of intoxication." — *Gifford.*

\* "As the Romans lived much in public, and but few had the necessary conveniences for keeping a stock of wine in their dwellings, persons of moderate fortune were supplied with a cask or amphora, as they wanted it, from one of the public repositories (*horrea*), where wines of all ages and qualities were to be had. (*Hor. Carm.* i. 20. iii. 19. iv. 12.) In like manner, such of the citizens as had no regular establishment were dependent for their daily supply of hot water on the *thermopolia*, or public houses, in which all kinds of prepared liquors were sold. These places of entertainment, which were frequented in much the same way as our modern coffee-houses, appear to have existed in considerable number, even during the republic, as we meet with frequent allusions to them in the comedies of Plautus. In the reign of Claudius, they attracted the attention of the government, having probably become obnoxious by the freedom of conversation which prevailed in them; for an edict was issued, ordering the suppression of taverns where people met together to drink, and forbidding the sale of hot water and boiled meats under severe penalties. This mandate, however, like many of the other arbitrary acts of that emperor, would seem to have been little regarded, and was probably soon repealed; for, in a subsequent age, we find Ampelius, the prefect of Rome, subjecting these places of public resort to new regulations, according to which they were not allowed to be opened before ten o'clock of the forenoon, and no one was to sell hot water to the common people." — *Henderson*, p. 104.

† "Romulus directed milk to be used for the libations to the gods; and a posthumous law of Numa forbade the sprinkling of the funeral pile with wine; merely, as Pliny (*H. N.* xiv. 12.) conceives, on account of its scarcity. That the vine, however, was partially cultivated in those times, may be inferred from the fact of Mezentius, king of Etruria, having been paid in wine for the succour which he afforded the Rutilians in their war against the inhabitants of Latium. It was not until the 600th year of the city, if the assertion of the author just quoted be correct, that the Italian wines came into such vogue as to be deemed superior to those of all other countries." — *Henderson*, p. 81.

elm\* ; whence these trees were said to be married (*maritari*) to the vines, *Horat. Epod. ii. 10.*, and the vines to them (*duci ad arbores viduas*, i. e. *vitibus tanquam uxoribus per civilia bella privatas*, *Id. Od. iv. 5. 30.*): and the plane-tree, to which they were not joined, is elegantly called *CÆLEBS*, *Id. ii. 15. 4.*

Wine was made anciently much in the same manner as it is now. The grapes were picked (*decerpebantur*) in baskets (*corbes, quali, quasilli, fisci, fiscinæ vel fiscellæ*) made of osier, and stamped (*calcabantur*). The juice was squeezed out by a machine called *TORCULUM*, *-ar, -are, vel -arium*, or *PRELUM*, a press: *Torcular*† was properly the whole machine, and *prelum*, the beam which pressed the grapes (*trabs quæ uva premitur*), *Serv. in Virg. G. ii. 242.* *Vitruv. vi. 9.* The juice was made to pass (*transmittebatur*) through a strainer (*SACCUS vel COLUM*), *Martial. xii. 61. 3. xiv. 104.*, and received into a large vat or tub [generally of mason-work, lined with plaster, and sunk in the ground] (*LACUS*), *Ovid. Fast. iv. 888.* *Plin. Epist. ix. 20.*, or put into a large cask, *DOLIUM* (*Cupa vel Seria*), made of wood or potter's earth, until the fermentation was over (*donec deferbuerit*); hence *VINUM DOLIARE*, *Plaut. Pseud. ii. 2. 64.* The liquor which came out without pressing was called *Protrōpum*, or *mustum lixivium*, *Plin. xiv. 9.* *Columel. lxii. 41.†*

The must or new wine (*MUSTUM*) was refined (*defæcabatur*), by mixing it with the yolks of pigeons' eggs, *Horat. Sat. ii. 4. 56.*; the white of eggs is now used for that purpose. Then it was poured (*diffusum*) into smaller vessels or casks (*amphoræ vel cadi*) made usually of earth, hence called *TÆSTÆ*, *Horat. Od. i. 20. 2. iii. 21. 4.*, covered over with pitch or chalk (*oblītæ vel picatæ et gypsatæ*), and bunged or stopped up (*obturatæ*); hence *relinere vel delinere dolium vel cadum*, to open, to pierce, to broach, *Terent. Heaut. iii. 1. 51.§* Wine was also kept in leathern bags (*UTRES*), *Plin. xxviii. 18.* From new wine,

\* “The elm was chiefly employed, because, in addition to its other recommendations, it is of easy growth, and the leaves furnish a grateful food for cattle. Trees thus appropriated were denominated *arbusta*, and considerable care was bestowed on the plantation and management of them. Their usual height was from thirty to forty feet, but in warm climates they were allowed to grow much higher; and, if we may credit Florentinus, there were in some parts of Bithynia vines trained in this manner upon trees sixty feet high, which, far from experiencing any degeneracy, only produced so much the better wine. (*Geop. iv. 1.*) It is, however, admitted, that it was only in very rich soils that such a practice was allowable; and that, in poor lands, it was advisable to form the trees into pollards, at the height of about eight feet from the ground; and Columella assigns from eight to twelve feet as the usual height of such plantations in Gaul (*de Re Rust. v. 7.*).” — *Henderson*, p. 29.

† On the quantity of this word, which Dr. Adam has marked long, Facciolati makes the following comment:—“*Lis est de quantitate pænultimæ. Produci aiunt Charis. i. p. 14. Putsch. et Priscian. ut in lacunar. Et produxisse dicitur Venant. Fortun. l. 8. carm. 5. v. 169. Calcaturus erat qui torcularia solus. Sed in MSS. legitur: Calcaturus erat qui solus torcular altum. Voss. l. 2. de Gramm. c. 23. et Scaliger corripit volunt.*”

‡ “The pressed skins were thrown into casks, and being fermented with a quantity of water furnished an inferior liquor, called by the Greeks *δευτέριος*, or *δάμνα*, by the Romans *lora*, which served as a beverage for the labourers in winter; whence it was sometimes also called *vinum operarium*.” — *Henderson*, p. 38. *Passum* was a wine from half-dried grapes.

§ “So, *Corticem adstrictum pice demovere amphoræ*, for *ab amphora*, *Horat. iii. 8. 10.*” — *Dr. Adam*.

a book not ripe for publication is called *mustous liber*, by Pliny, *Ep.* viii. 21.

On each cask was marked the name of the consuls, or the year when it was made, *Horat. Od.* i. 20. iii. 8. 21. 28. 8. *Ep.* i. 5. 4.; hence *Nunc mihi fumosos veteris proferte Falernos Consulis* (sc. *cados*), *Tibull.* ii. 1. 27.; and the oldest was always put farthest back in the cellar; hence *Interiore notâ Falerni*, with a cup of old Falernian wine, *Horat. Od.* ii. 3. 8.\*

When a cask was emptied, it was inclined to one side, and the wine poured out. The Romans did not use a siphon or spiggot, as we do; hence *vertere cadum*, to pierce, to empty, *Hor. Od.* iii. 29. 2. *Invertunt Aliphânis* (sc. *poculis*) *vinaria tota* (sc. *vasa*, i. e. *cados* v. *lagenas*), they turn over whole casks into large cups made at Allifæ, a town in Samnium, *Id. Sat.* ii. 8. 39.

Sometimes wine was ripened by being placed in the smoke above a fire, *Id. Od.* iii. 8. 11. *Plin.* xiv. 1. s. 3. *Martial.* iii. 81. x. 36., or in an upper part of the house (*in horreo vel apothecâ editiore*), whence it was said *descendere*, *Horat. Od.* iii. 21. 7.† Often it was kept to a great age, *Id. Od.* iii. 14. 18. *Cic. Brut.* 286. s. 83. *Juvenal.* v. 34. [*cujus*

\* The wine that came from the remotest part of the cellar was of course the oldest and choicest; or Horace's expression may imply, that it was part of a stock put aside for festal occasions. Others contend that the ancients had outer and inner cellars, and devoted the latter to the reception of their more valuable wines. — See *Henderson*, p. 53.

† “ The application of the *fumarium* to the mellowing of wines was borrowed from the Asiatics, who were in the habit of exposing their wines to the heat of the sun, on the tops of their houses, and afterwards placing them in apartments warmed from below, in order that they might be more speedily rendered fit for use. As the flues by which the ancient dwellings were heated were probably made to open into the apotheca, it is obvious, that a tolerably steady temperature could be easily supplied, and that the vessels would be fully exposed to the action of the smoke. Although the tendency of this procedure may, according to our modern notions, appear very questionable; yet, when attentively considered, it does not seem to differ much from that of the more recent method of mellowing Madeira and other strong wines, by placing them in a hot-house, or in the vicinity of a kitchen fire or baker's oven, which is found to assist the developement of their flavour, and to bring them to an early maturity. As the earthen vases, in which the ancient wines were preserved, were defended by an ample coating of pitch or plaster, it is not likely that the smoke could penetrate, so as to alloy and vitiate the genuine taste and odour of the liquor; but the warmth which was kept up by its means would have the effect of softening the harshness of the stronger wines, and probably of dissipating, to a certain extent, the potent aroma of the condiments with which they were impregnated. Although Tibullus gives the epithet *smoky* to the Falernian wines thus prepared, and Horace speaks of the amphora with which he proposed to celebrate the calends of March as having been laid up to imbibe the smoke during the consulship of Tullus, they are not to be understood as alluding to the flavour of the liquor, but merely to the process by which it was brought to a high degree of mellowness. The description of Ovid, however, may be considered as more correct; for he applies the term only to the cask in which the wine was enclosed. (*Fast.* v. 517. ‘*Quæque puer quondam primis diffuderat annis, Prodit fumoso condita vina cado.*’) At the same time, it must be acknowledged, that the practice in question was liable to great abuse; and we may readily conceive, that, from the success attending the experiment, as applied to the first-rate growths, it might happen, that many inferior wines, though not at all adapted for the operation, would, nevertheless, be made to undergo it, in the vain hope of bettering their condition; that, from an anxiety to accelerate the process, the wines would be sometimes exposed to a destructive heat; or that, from inattention to the corking of the vessels, the smoke might enter them, and impart a repulsive savour to the contents. As

*patriam titulumque vetustas Delevit.*] *Pers.* iv. 29. *Vell.* ii. 7. Wine made in the consulship of Opimius, A. U. 633, was to be met with in the time of Pliny, near 200 years after (*in speciem asperi mellis reductum*), *Plin.* xiv. 4. s. 6. *Martial.* i. 27. 7. ii. 40. 5.\* In order to

these forced wines were in great request at Rome and in the provinces, the dealers would often be tempted to send indifferent specimens into the market; and it is not, perhaps, without reason, that Martial (x. 36.) inveighs so bitterly against the produce of the *fumarium* of Marseilles, particularly those of one Munna, who seems to have been a notorious offender in this line, and whom the poet humorously supposes to have abstained from revisiting Rome, lest he should be compelled to drink his own wines.

"One certain consequence of the long exposure of the amphoræ to the influence of the *fumarium* must have been, that a portion of the contents would exhale, and that the residue would acquire a greater or less degree of consistence; for, however well the vases might have been coated and lined, or however carefully they might have been closed, yet, from the nature of the materials employed in their composition, from the action of the vinous fluid from within, and the effect of the smoke and heat from without, it was quite impossible that some degree of exudation should not take place. As the more volatile parts of the must were often evaporated by boiling, and as various solid or viscid ingredients were added to the wine previously to its introduction into the amphoræ, it is manifest, that a further exhalation must have reduced it to the state of a syrup or extract. In the case of the finer wines, it is true, this effect would be, in some measure, counteracted by the influence of the insensible fermentation; and a large proportion of the original extractive matter, as well as of the heterogeneous substances suspended with it, would be precipitated on the sides and bottom of the vessels, in the form of lees; but in other instances the process of inspissation would go on, without much abatement from this cause. Hence it comes, that so many of the ancient wines have been described as thick and fat; and that they were not deemed ripe for use until they had acquired an oily smoothness from age. (*Hor. Carm.* iii. 16. 34. *Nec Læstrygoniâ Bacchus in amphorâ Languescit mihi: xxi. 6. Descende, Corvino jubente, Promere languidiora vina.*) Hence, too, the practice of employing strainers (*cola vinaria*) to clarify them, and free them from their dregs. In fact, they often became consolidated to such a degree, that they could no longer be poured from the vessels, and it was necessary to dissolve them in hot water before they could be drunk. We learn from Aristotle, that some of the stronger wines, such as the Arcadian, were reduced to a concrete mass, when exposed in skins to the action of smoke; and the wine-vases discovered among the ruins of Herculaneum and Pompeii have generally been found to contain a quantity of earthy matter. It is clear, then, that those wines which were designed for long keeping could not have been subjected to the highest temperature of the *fumarium* without being almost always reduced to an extract. Indeed, Columella warns the operator that such might be the issue of the process, and recommends that there should be a loft above the apotheca, into which the wines could be removed,—*'ne rursus nimia suffitione medicata sint.'*"—*Henderson*, p. 54. "In order more effectually to dissolve those wines which had become inspissated by age, the water was sometimes purified by boiling; and, when the solution was completed, the liquor was strained through a cloth, in order to free it from any impurities which it might have contracted. (*Mart. Ep.* xii. 61.) As this operation, however, was apt to communicate an unpleasant taste, or at least to deprive them of their natural flavour, such persons as were nice in the management of their wines adopted the expedient of exposing them to the night air, which was thought to assist their clarification, without impairing their other virtues. (*Hor. Sat.* ii. 4.)"—*Ibid.* p. 100.

\* "None of the more generous wines were reckoned fit for drinking before the fifth year, and the majority of them were kept for a much longer period. The thin white wines are stated by Galen to have ripened soonest; acquiring, first, a certain degree of sharpness, which, by the time they were ten years old, gave place to a grateful pungency, if they did not turn acid within the first four years. Even the strong and dry white wines, he remarks, notwithstanding their body, were liable to acescency after the tenth year, unless they had been kept with due care; but if they escaped this danger, they might be preserved for an indefinite length of time. Such

make wine keep, they used to boil (*decoquere*, Virg. G. i. 295.) the must down to one half, when it was called *DEFUTUM* [to two thirds, *Carenum*] : to one third, *SAPA*, Plin. xiv. 9. s. 11.; and to give it a flavour, (*ut odor vino contingat, et saporis quædam acumina*,) they mixed with it pitch [rosin, turpentine,] and certain herbs; when they were said *CONDIRE*, *MEDICARI* vel *concinare vinum*, Plin. xiv. 20. s. 25. [xxiii. 1. Martial. Ep. iii. 77.] Columell. xii. 19, 20, 21. Cato de Re Rust. 114, 115.\*

Wines were distinguished chiefly from the places where they were produced. In Italy the most remarkable were, *Vinum FALERNUM*, *Massicum*, *Calenum*, *Cæcûbum* [Hor. Od. i. 20.], *Albânum*, *Sefinum*, *Surrentinum* [*Nomentanum*, *Pucinum*], &c. Plin. 23. 1. s. 20. Foreign wines, *Chium*, [*Ariusium*, Virg. Bucol. v. 71.] *Lesbium*, [Hor. Carm. i.

was the case more especially with the Surrentine wine, which continued raw and harsh until about twenty years old, and afterwards improved progressively; seldom contracting any unpleasant bitterness, but retaining its qualities unimpaired to the last, and disputing the palm of excellence with the growths of Falernum. The transmarine wines which were imported into Italy were thought to have attained a moderate age in six or seven years; and such as were strong enough to bear a sea voyage were found to be much improved by it. (Plin. H. N. xiv. 18.)

"The lighter red wines (*vina horna, fugacia*) were used for common drinking, and would seldom endure longer than from one vintage to another; but in good seasons, they would sometimes be found capable of being preserved beyond the year. Of this description we may suppose the Sabine wine to have been, which Horace calls upon his friend to broach when four years old (Od. I. ix. 7.); although, in general, the proper age of the Sabinum was from seven to fifteen years.

"Wine of a middle age was preferred, as being the most wholesome and grateful; but in those days, as well as ours, it was the fashion to place the highest value on whatever was rarest, and an extravagant sum was often given for wines which were literally not drinkable. Such seems to have been the case with the famous vintage of the year in which L. Opimius Nepos was consul; when, from the great warmth of the summer, all the productions of the earth attained an uncommon degree of perfection. Velleius Paterculus (ii. 7.), who flourished about 150 years afterwards, denies that any of it was to be had in his time; but both Pliny and Martial, who were considerably posterior to that historian, describe it as still inexhausted at the period when they wrote. (H. N. xxiii. 1.) The former, indeed, admits, that it was then reduced to the consistence of honey, and could only be used in small quantity for flavouring other wines, or mixing with water. Reckoning the original price to have been 100 *nummi*, or sixteen shillings and sixpence, for the amphora, he calculates, that according to the usual rate of Roman interest, a single ounce of this wine, at the time of the third consulate of Caligula, when it had reached its 160th year, must have cost at least one *nummus* or two-pence; which would make the price of the quart amount to six shillings and sixpence English." — Henderson, p. 70. In the appendix, however, the same writer gives the calculation of Arbuthnot, which raises the price to nineteen shillings and sixpence, which, as he observes, is about the value of a bottle of very old Rhine wine. The former calculation, moreover, does not proceed on the principle of compound interest.

\* "Accident is said to have led to the discovery of another method of preparing the must. A slave, who had stolen part of the contents of a cask, adopted the expedient of filling up the deficiency with sea-water, which, on examination, was thought to have improved the flavour of the liquor; and thenceforth the practice of adding salt-water to certain wines became very common among the Greeks. When Horace, however (Serm. ii. 8. 15.), describes the Chian wine at the supper of Nasidienus as being *maris experts*, he has been generally supposed to allude to its being of inferior quality, from the want of sea-water; whereas he probably meant to insinuate, that it had never travelled on the sea, but was a factitious or home-made wine." — Henderson, p. 43.



17. 21.] *Leucadium, Cœum, Rhodium, Nazium, Mamertinum, Thasium, Maconium* vel *Lydium, Mareoticum*, [Hor. Od. i. 37. 14.] &c. Plin. xiv. 6. s. 8, &c. Also from its colour or age, *Vinum album, nigrum, rubrum*, &c. Ib. 9. s. 11, 12. *Vetus, novum, recens, hornum*, of the present year's growth; *trimum*, three years old; [*quadrimum*, four years old, Hor. Od. i. 9.] *molle, lene, vetustate edentulum*, mellow; *asperum* vel *austum*, harsh; *merum* vel *meracum*, pure, unmixed; *meracius*, i. e. *fortius*, strong, Cic. Nat. D. iii. 31.\*

The Romans set down the wine on the second table (*alteris mensis*), with the dessert (*cum bellariis*), and before they began drinking poured out libations to the gods, Virg. Æn. i. 736. viii. 278. 283. G. ii. 101. This, by a decree of the senate, was done also in honour of Augustus, after the battle of Actium, Dio. li. 19. Horat. Od. iv. 5. 31.

The wine was brought in to the guests in earthen vases (AMPHORÆ vel *Testæ*) with handles (*ansatæ*), hence called *DIOTÆ*, Horat. i. 9. 8., or in big-bellied jugs or bottles (AMPULLÆ) of glass (*vitreæ*), leather (*coriaceæ*), or earth (*figlinæ*), Plin. Epist. iv. 30. Suet. Domit. 21. Martial. vi. 35. 3. xiv. 110., on each of which were affixed labels or small slips of parchment, (TITULI vel PITTACIA, i. e. *schedulæ e membraná excisæ*, vel *tabellæ*), giving a short description of the quality and age of the wine; thus, FALERNUM, OPIMIANUM, ANNORUM CENTUM, Petron. 34. Juvenal. v. 34.† Sometimes different kinds of wine and of fruit were set before the guests according to their different rank, Plin. Ep. ii. 6.‡ Martial. iii. 49. 82. iv. 86. vi. 11.

\* “As the must was sometimes allowed to undergo a slight fermentation in close vessels, we may easily conceive, that the wine, when freshly drawn, would occasionally possess a certain degree of briskness, from the retained carbonic acid gas; and frequent allusions of the poets to this property demonstrate, that the ancients were familiar with *sparkling* and *frothing* wines, though it does not appear that they intentionally adopted the means of preserving them in this condition. Virg. Æn. i. 738., ‘Ille impiger hausit Spumantem pateram.’” — Henderson, p. 68.

† “Among the amphoræ lately found on the site of the ancient Leptis, and now deposited in the British Museum, is one with the following inscription in vermilion:—

L. Cassio  
C. Mario  
COS.

It had, consequently, been filled with the vintage of the year 647 A.U.C., when Lucius Cassius Longinus and Caius Marius Nepos were consuls; and when Marius himself was contending with Jugurtha for the possession of the adjacent provinces.” — Henderson, p. 54.

“For the more precious wines, the ancients occasionally employed vessels of glass. The bottles, vases, cups, and other articles of that material, which are to be seen in every collection of antiquities, prove that they had brought the manufacture to a great degree of perfection. We know that, for preserving fruits, they certainly gave the preference to glass jars; and at the supper of Trimalcio, so admirably depicted by Petronius, even amphoræ of glass are said to have been introduced. Whether they were of the full quadrantal measure does not appear; but, in all probability, they were of more moderate dimensions, for we are told by Martial that the choicest Falernian was kept in small glass bottles (‘Quæque annus coxit opimi, Condantur parvo fusca Falerna vitro,’ Ep. ii. 40.): and neither the number of the guests, nor the quality of the liquor, supposing it to have been genuine, would have justified the use of full-sized amphoræ, on the occasion above alluded to.” — Henderson, p. 58.

‡ The sentiments of Pliny, in condemnation of this meanness, are worthy of



49. *Suet. Cas.* 48. *Spartian. Adrian.* 17. *Juvenal.* v. 30. 70.; whence VINUM DOMINICUM, the wine drunk by the master of the house, *Petron.* 31., and *cœnare civiliter*, to be on a level with one's guest, *Juvenal.* v. 112.

The wine was mixed (*miscebatur vel temperabatur*) with water in a large vase or bowl, called CRATER, v. -ēra, whence it was poured into cups (POCULA), *Ovid. Fast.* v. 522.

Cups were called by different names; *Calices, phialæ, patēræ, canthari, carchesia, ciboria, scyphi, cymbia, scaphia, batiolæ, cululī, amystides*, &c., and made of various materials; of wood, as beech, *fagina* sc. *pocula*, *Virg. Ecl.* iii. 37., of earth\*, *fictilia*, of glass, VITREA, [with which they were supplied from Egypt,] *Martial.* i. 38. *Juvenal.* ii. 95., which when broken used to be exchanged for brimstone matches (*sulphurata ramenta*), *Martial.* i. 42. 4. x. 3. *Juvenal.* v. 49., of amber, *succina*, *Id.* ix. 50., of brass, silver, and gold, sometimes beautifully engraved; hence called TOREUMATA, i. e. *vasa sculpta vel cœlata*, *Cic. Verr.* ii. 52. iv. 18. *Pis.* 27., or adorned with figures (*signa vel sigilla*) affixed to them, called CRUSTÆ or EMBLEMATA, *Cic. Ver.* iv. 23. *Juvenal.* i. 76.† *Martial.* viii. 51. 9., which might be put on and taken off at pleasure (*exemptilia*), *Cic. ibid.* 22. 24., or with gems, sometimes taken off the fingers for that purpose, *Juvenal.* 5. 41., hence called CALICES GEMMATI vel AURUM GEMMATUM, *Martial.* xiv. 109.

Cups were also made of precious stones, *Virg. G.* ii. 506.; of crystal, *Senec. de Irâ*, iii. 40. of amethyst and *murrha* or porcelain (*pocula murrhina*) [introduced by Pompey], *Martial.* ix. 60. 13. x. 49. [xiv. 113.] *Plin.* xxxiii. 1. xxxvii. 2, &c.‡

notice: — “Longum est altius repetere, nec refert, quemadmodum acciderit, ut homo minime familiaris cœnarem apud quendam, ut sibi videbatur, lautum et diligentem: ut mihi, sordidum simul et sumptuosum: nam sibi et paucis opima quædam, ceteris vilia et minuta ponebat: vinum etiam parvulis lagunculis in tria genera descripserat, non ut potestas eligendi, sed ne jus esset recusandi: et aliud sibi et nobis, aliud minoribus amicis (nam gradatim amicos habet) aliud suis nostrisque libertis. Animadvertit qui mihi proximus recumbebat, et an probarem interrogavit. Negavi. Tu ergo, inquit, quam consuetudinem sequeris? Eadem omnibus pono. Ad cœnam enim, non ad notam (*to entertain, not distinguish*), invito: cunctisque rebus exæquo quos mensâ et toro æquavi. Etiamne libertos? Etiam; convictores enim tunc, non libertos, puto. At ille, Magno tibi constat. Minime. Qui fieri potest? quia scilicet liberti mei non idem quod ego bibunt, sed idem ego quod liberti.”

\* “Athens claimed the invention, and took the lead in the manufacture of earthenware vases; but the potteries of Samos soon rose into equal repute, and, with those of Saguntum in Spain, and Surrentum, Arretium, and one or two other towns in Italy, furnished the chief supply. They were formed of the purest clay, and distinguished by their extraordinary lightness. To render them impervious, they were coated with a varnish of bitumen, which admitted of a fine polish, and was, besides, very durable; and they were sometimes also imbued with aromatic substances, which imparted a grateful perfume to the liquor drunk out of them.” — *Henderson*, p. 114.

† The figure of a goat in *bas relief* (as being sacred to Bacchus) was the frequent emblem on drinking-cups: “stantem extra pocula caprum.” *Juvenal.* l. c.

‡ *Propert.* iv. 26. “Murrheaque in Parthis pocula cocta focis.” “Concerning the nature of these vases, the opinions of antiquaries are exceedingly vague and unsatisfactory. That they were formed from a natural fossil, and not an artificial paste

Cups were of various forms\* ; some had handles (ANSÆ vel NASI), *Virg. Ecl.* vi. 17. *Juvenal.* v. 47., usually twisted (TORTILES), *Ovid. Ep.* xvi. 252., hence called CALICES PTEROTI, i. e. *alati vel ansati*, *Plin.* xxxvi. 26. Some had none.

There were slaves, usually beautiful boys (*pueri eximii facie*, *Gell.* xv. 12.), who waited to mix the wine with water, and to serve it up ; for which purpose they used a small goblet [“ or, perhaps, *ladle*.” — *T.*] called CYATHUS, to measure it, *Plaut. Pers.* v. 2. 16., containing the twelfth part of a *sextarius*, which is nearly a quart English [therefore about the same as a modern wine glass]. Hence the cups were named from the parts of the Roman AS, according to the number of *cyathi* which they contained ; thus, SEXTANS, a cup which contained two *cyathi* ; TRIENS vel *Triental*, four [i. e. the third part of the *sextarius*] ; QUADRANS, three, &c. *Suet. Aug.* 77. *Martial.* viii. 51. 24. ix. 95. xi. 37. [“ *misto quincunce*, ii. 1. 8.” — *T.*] *Pers.* iii. 100., and those who served with wine were said AD CYATHOS STARE, *Suet. Jul.* 49., AD CYATHUM STATUI, *Hor. Od.* 1. 29. 8., or CYATHISSARI, *Plaut. Men.* ii. 2. 29.

They also used a less measure, for filling wine and other liquors, called LIGULA or *Lingula*, and COCHLEARE, vel -ar, a spoon, the fourth part of a *cyathus*, *Martial.* v. 20. viii. 33. 23. xiv. 121.

The strength of wine was sometimes lessened, by making it pass through a strainer with snow in it, COLUM NIVARIUM, *Martial.* xiv. 103., vel SACCUS NIVARIUS, *Ib.* 104. *Plin.* xix. 4. s. 19. 22. s. 28. It was also sometimes cooled by pouring snow-water upon it, *Martial.* v. 65. xiv. 117. *Senec. Ep.* 79.†

The Romans used to drink to the health of one another, thus ; BENE MIHI, BENE VOBIS, &c. *Plaut. Pers.* v. i. 20., sometimes in honour of a friend or mistress, *Ibid.* & *Horat. Od.* i. 27. 9., and used to take as many *cyathi* as there were letters in the name, *Tibull.* ii. 1. 31. *Martial.* i. 72. [ix. 95.], or as they wished years to them ; hence they were said, *Ad numerum bibere*, *Ovid. Fast.* iii. 531. A frequent number was three in honour of the Graces ; or nine, of the Muses, *Horat. Od.* iii. 19. 11. *Auson. Eidyll.* xi. 1. The Greeks drank first in honour of the gods, and then of their friends ; hence GRÆCO MORE BIBERE, *Cic. Verr.* i. 26. et *ibi Ascon.* They began with small cups, and ended with larger, *Ibid.* They used to name the person to whom they handed the cup ; thus, PROPINO TIBI, &c. *Cic. Tusc.* i. 40. *Plaut. Stich.* v. 4. 26. 30. *Ter. Eun.* v. 9. 57. *Virg. Æn.* i. 728. *Martial.* i. 69. vi. 44. *Juvenal.* v. 127.

A skeleton was sometimes introduced at feasts in the time of drink-

resembling porcelain, as Cardan, Caylus, and Mariette have surmised, is evident from the statement of Pliny, that it was dug from the earth, like rock crystal.” — *Henderson*, p. 116.

\* “ It is probable that the horns of animals served as the first drinking cups among most nations ; and this form was retained in the earliest earthenware vessels, and, as luxury advanced, in those also which were made of the precious metals.” — *Henderson*, p. 115.

† “ A more elegant method of cooling liquors came into vogue during the reign of Nero, to whom the invention was ascribed ; namely, by placing water, which had been previously boiled, in a thin glass vessel surrounded with snow, so that it might be frozen without having its purity impaired.” — *Henderson*, p. 107.

ing, or the representation of one (*larva argentea*), Petron. 34., in imitation of the Egyptians, *Herodot.* ii. 78. s. 74. *Plutarch. in Conviv. Sapient.* 6., upon which the master of the feast looking at it used to say, VIVAMUS, DUM LICET ESSE BENE, *Petron. ib.* Πῖνέ τε καὶ τίπτεν, ἵσσαι γὰρ ἀποθανόν τοιοῦτος, Drink and be merry, for thus shalt thou be after death, *Herodot. ibid.*

The ancients sometimes crowned their cups with flowers, *Virg. Æn.* iii. 525. *Tibull.* ii. 5. 98. But *coronare cratera vel vina*, i. e. *pocula*, signifies also to fill with wine, *Virg. G.* ii. 528. *Æn.* i. 724. vii. 147.

The ancients at their feasts appointed a person to preside by throwing the dice, whom they called ARBITER BIBENDI, *Magister vel Rex convivii, modiperator vel modimperator* (συμπεσολαρχος), *dictator, dux, stratēgus*, &c. He directed every thing at pleasure, *Horat. Od.* i. 4. 18. ii. 7. 25. *Cic. Sen.* 14. [*in Verr.* v. 11.] *Plaut. Stich.* v. 4. 20.]

When no director of the feast was appointed, they were said *Culpā potare magistrā*, to drink as much as they pleased, (*culpabatur ille qui multum biberet*, excess only was blamed,) *Horat. Sat.* ii. 2. 123.\* Some read *cuppā vel cupā*, but improperly; for *cupa* signifies either a large cask or tun which received the must from the wine-press, or it is put for *copa vel caupa*, a woman who kept a tavern, (*quæ cauponam, vel tabernam exercebat*), *Suet. Ner.* 27., or for the tavern itself; whence it was thought mean for a person to be supplied with wine, or from a retailer (*de propōla vel propāla*), *Cic. Pis.* 27. *Suet. Claud.* 40.

During the intervals of drinking they often played at dice (ALEA), *Plaut. Curc.* ii. 3. 75., of which there were two kinds, the *tesseræ* and *tali*, *Cic. Sen.* 16.

The TESSERÆ had six sides, marked I. II. III. IV. V. VI., like our dice. The TALĪ had four sides longwise, for the two ends were not regarded. On one side was marked one point, (*unio*, an ace,) called CANIS; on the opposite side six (*SENIO*, sice); on the two other sides, three and four (*ternio et quaternio*). In playing they used three *tesseræ* and four *tali*. They were put into a box made in the form of a small tower, straight-necked, wider below than above, and fluted in ringlets (*intus gradus excisos habens*), called FRITILLUS, *pyrgus, turris, turricula, phimus, orca*, &c., and being shaken were thrown out upon the gaming-board or table (*FORUS, alveus, vel tabula lusoria aut aleatoria*). The highest or most fortunate throw, (*jactus, bolus vel manus*), called VENUS, or JACTUS VENEREUS vel BASILICUS, was, of the *tesseræ*, three sixes; of the *tali*, when all of them came out different numbers. The worst or lowest throw (*jactus pessimus vel damnosus*), called CANES vel *Caniculæ, vel vulturii*, was, of the *tesseræ*, three aces; of the *tali*, when they were all the same. The other throws were valued from their numbers, *Cic. Divin.* i. 13. ii. 21. 59. *Suet. Aug.* 71. *Ovid. Art. Am.* ii. 203. *Trist.* ii. 474. *Propert.* iv. 9. 20. *Plaut. Asin.* v. 2. 55. *Horat. Sat.* ii. 7. 17. *Pers. Sat.* iii. 49. *Martial.* xiv. 14, &c. When any one of the

\* “ Having the fine of a bumper, as the rule of the feast: the phrase clearly alludes to the custom prevalent at the entertainment of former days, and not disused even in our own times, by which the individual, who might chance to offend against any of the rules of the feast, was fined in one cup, or in many, according to the extent of his offence.” — *Anthon.*

*tali* fell on the end (*in caput*), it was said *rectus cadere vel assistere*, Cic. Fin. iii. 16., and the throw was to be repeated. The throw called *Venus* determined the direction of the feast (*Archiposia, in compositione principatus, magisterium*, Cic. Senect. 14., vel, *Regnum vini*, Horat. Od. i. 4. 18.). While throwing the dice, it was usual for a person to express his wishes, to invoke or name a mistress, or the like, *Plaut. Asin.* v. 2. 55. iv. 1. 35. *Captiv.* i. 1. 5. *Curc.* ii. 3. 78.

They also played at odds or evens (*PAR IMPAR ludebant*), Suet. Aug. 71., and at a game called DUODECIM SCRIPTA vel *Scriptula*, or *bis sena puncta*, Cic. Orat. i. 50. Non. Marcell. ii. 781. Quinctil. xi. 2. Martial. xiv. 17., on a square table (*tabula vel alveus*), divided by twelve lines (*lineæ vel scripta*), on which were placed counters (*CALCULI, Latrones, v. Latrunculi*) of different colours. The counters were moved (*promovebantur*) according to throws (*boli vel jactus*) of the dice, as with us at *gammon*. The lines were intersected by a transverse line, called LINEA SACRA, which they did not pass without being forced to it. When the counters had got to the last line, they were said to be *inciti* [in having a *privative* force] vel *immoti*, and the player *ad incitas* [sc. *lineas vel calces*] vel *—a redactus*, reduced to extremity, *Plaut. Pæn.* iv. 2. 86. *Trin.* ii. 4. 136., *unam calcem non posse ciere*, i. e. *unum calculum movere*, not to be able to stir, *Ib.* In this game there was room both for chance and art, *Ter. Ad.* iv. 7. 21. *Ovid. Art. Am.* ii. 203. iii. 363. *Auson. Prof.* i. 25. *Martial.* vii. 71. xiv. 20.

Some exclude the *tali* or *tesseræ* from this game, and make it the same with *chess* among us. Perhaps it was played both ways. But several particulars concerning the private games of the Romans are not ascertained.

All games of chance were called ALEA, and forbidden by the *Cornelian, Publician, and Titian* laws, *Horat. Od.* iii. 24. 58., except in the month of December, *Martial.* iv. 14. 7. v. 85. xiv. 1. These laws, however, were not strictly observed. Old men were particularly fond of such games, as not requiring bodily exertion, *Cic. Sen.* 16. *Suet. Aug.* 71. *Juvenal.* xiv. 4.\*

The character of gamblers (*ALEATORES vel aleones*) was held infamous, *Cic. Cat.* ii. 10. *Phil.* ii. 27.

Augustus used to introduce at entertainments a kind of diversion, similar to what we call a *lottery*; by selling tickets (*sortes*), or sealed tablets, apparently equivalent, at an equal price; which, when opened or unsealed, entitled the purchasers to things of very unequal value (*res inæqualissimæ*); as, for instance, 1 to 100 gold pieces, another to a pick-tooth (*dentiscalpium*), a third to a purple robe, &c.; in like manner pictures, with the wrong side turned to the company (*aversas tabularum picturas in convivio venditare solebat*), so that, for the same price, one received the picture of an Apelles, of a Zeuxis, or a Parrha-

\* In the time of Juvenal it appears that the passion for gambling had reached an enormous height: he says that they were not content to stake the contents of their purses on the hazard of the die, but even whole estates, i. 89. —

Neque enim localis comitantibus itur  
Ad casum tabulæ, positâ sed luditur arcâ.

sus, and another, the first essay of a learner, *Suet. Aug.* 75. So Heliogabālus\*, *Lamprid. in Vita ejus*, 21.

There was a game of chance, (which is still common in Italy, chiefly, however, among the vulgar, called the game of *Morra*,) played between two persons, by suddenly raising or compressing the fingers, and, at the same instant, guessing each at the number of the other; when doing thus, they were said MICARE DIGITIS, *Cic. Divin.* ii. 41. *Off.* iii. 23. *Suet. Aug.* 13. As the number of fingers stretched out could not be known in the dark, unless those who played had implicit confidence in one another; hence, in praising the virtue and fidelity of a man, he was said to be DIGNUS QUICUM IN TENEBRIS MICES, *Cic. Off.* iii. 19. *Fin.* ii. 16. s. 52.

The Romans ended their repasts in the same manner in which they began them, with libations and prayers, *Ovid. Fast.* ii. 635. The guests drank to the health of their host, and, under the Cæsars, to that of the emperor, *Ibid. et Petron.* 60. When about to go away, they sometimes demanded a parting cup in honour of Mercury, that he might grant them a sound sleep, *Martial. Delphin.* i. 72.

The master of the house (*herus, dominus, paröchus, cœnæ magister, convivator*, *Hor. Sat.* ii. 8. 35. *Martial.* xii. 48. *Gell.* xiii. 11.) used to give the guests certain presents at their departure, called *Apophorēta*, *Suet. Aug.* 75. *Gal.* 55. *Vesp.* 19. *Martial.* xiv. 1. *Petron.* 60., or XENIA, which were sometimes sent to them, *Plin. Epist.* vi. 31. *Vitruv.* vi. 10. *Martial.* xiii. 3. XENIUM is also put for a present sent from the provinces to an advocate at Rome, *Plin. Ep.* v. 14., or given to the governor of a province, *Digest.*

The presents given to guests being of different kinds, were sometimes distributed by lot, *Martial.* xiv. 1. 5—40. 144. 170., or by some ingenious contrivance, *Petron.* 41.

### III. ROMAN RITES OF MARRIAGE.†

A LEGAL marriage (*justum matrimonium*) among the Romans was made in three different ways, called *usus*, *confarreatio*, and *coemptio*.

1. USUS, usage or prescription, was when a woman, with the consent of her parents or guardians, lived with a man for a whole year (*matrimonii causâ*) without being absent three nights, and thus became his lawful wife, or property, by prescription (*usu capta fuit*), *Gell.* iii. 2. If absent for three nights (*trinoctium*), she was said *esse usurpata*, or *isse usurpatum*, sc. *suum jus*, to have interrupted the prescription, and thus prevented a marriage, *Usurpatio est enim usucapionis interruptio*, *Gell.* iii. 2. *D.* 41. 3. 2. — See p. 53.

2. CONFARREATIO, was when a man and woman were joined in marriage by the *Pontifex Maximus*, or *Flamen Dialis*, in presence of at least ten witnesses, by a set form of words, and by tasting a cake made of salt, water, and flour, called FAR, or PANIS FARREUS vel

\* In this lottery, one of the lots consisted of ten camels, and another of ten flies; ten ostriches and ten eggs; ten pounds of gold, and ten of lead, &c.

† "Consult Catullus in *Nuptias Juliæ et Manlii*, *Lucan.* ii. 352—371. *Tac. Ann.* xi. 27. *Juvenal.* x. 329—338." — T.

*Farreum libum*; which was offered with a sheep in sacrifice to the gods, *Dionys.* ii. 25. *Serv. ad Virg. G.* i. 31. *Æn.* iv. 104. *Plin.* xviii. 2.\*

This was the most solemn form of marriage, and could only be dissolved by another kind of sacrifice, called DIFFARREATIO, *Festus*. By it a woman was said to come into the possession or power of her husband by the sacred laws (κατὰ νόμους ἱεροὺς ἀνδρὶ συνελθεῖν, *in manum*, i. e. *potestatem viri convenire*). She thus became partner of all his substance and sacred rites, those of the *Penates*, as well as of the *Lares*. (See p. 244.) If he died intestate, and without children, she inherited his whole fortune as a daughter. If he left children, she had an equal share with them. If she committed any fault, the husband judged of it in company with her relations, and punished her at pleasure, *Dionys.* ii. 25. *Plin.* xiv. 13. *Suet. Tib.* 35. *Tacit. Ann.* xiii. 32. The punishment of women publicly condemned was sometimes also left to their relations, *Liv.* xxxix. 18. *Val. Max.* vi. 3. 5.

The children of this kind of marriage were called PATRIMI et MATRIMI †, *Serv. Ibid.*, often employed for particular purposes in sacred solemnities, *Liv.* xxxvii. 3. *Cic. Resp. Har.* 11. *Tacit. Hist.* iv. 53. Certain priests were chosen only from among them; as the *Flamen* of Jupiter, *Tacit. Annal.* iv. 16. [patricios confarreatis parentibus genitos, tres simul nominari, ex quibus unus legeretur, vetusto more,] and the Vestal Virgins, *Gell.* i. 12. According to *Festus*, those were so called whose parents were both alive. If only the father was alive, *Patrimi*, vel -es; if only the mother, *Matrimi*, vel -es. Hence *Minerva* is called PATRIMA VIRGO, *Catull.* i. 9., because she had no mother; and a man who had children while his own father was alive, PATER PATRIMUS, *Festus*.

This ceremony of marriage in later times fell much into disuse, *Tacit. Annal.* iv. 16. Hence Cicero mentions only two kinds of marriage, *Usus* and *COEMPTIO*, *pro Flacc.* 34.

3. COEMPTIO was a kind of mutual purchase (*emptio, venditio*), when a man and woman were married, by delivering to one another a small piece of money, and repeating certain words, *Cic. Orat.* i. 57. The man asked the woman, if she was willing to be the mistress of his family, AN SIBI MATER FAMILIÆ ESSE VELLE? She answered that she was, SE VELLE. In the same manner, the woman asked the man, and he made a similar answer, *Boeth. in Cic. Topic.* 3.

The effects of this rite were the same as of the former. The woman was to the husband in the place of a daughter, and he to her as a father, *Serv. in Virg. G.* i. 31. She assumed his name, together with her own; as *Antonia Drusi*, *Domitia Bibuli*, &c. ‡ She resigned to him all her goods, *Ter. Andr.* i. 5. 61. *Cic. Top.* iv., and acknowledged him as her lord and master (DOMINUS), *Virg. Æn.* iv. 103. 214. The goods which a woman brought to her husband, besides her portion, were called PARAPHERNA, -orum or *bona paraphernalia*. In the first days of the republic dowries were very small; that given

\* See Brotier, Not. et Emend. in Tac. Ann. iv. 16.

† "Lis est inter Grammaticos de quantitate pænulimæ, quæ adhuc est sub iudice, quia nihil certi afferri adhuc potuit." — *Facciolati*.

‡ "Catonis Marcia, Lucian. ii. 343. *Apicala Sejani*, Tac. Ann. iv. 11. *Hectoris Andromache*, Pyrrhin, connubia servas, *Virg. Æn.* iii. 319." — *T.*



by the senate to the daughter of Scipio was only 11,000 *asses* of brass, 35*l.* 10*s.* 5*d.*; and one Megullia was surnamed DOTATA, or the great fortune, because she had 50,000 *asses*, i. e. 161*l.* 7*s.* 6*d.*, *Val. Max.* iv. 4. 10. But afterwards, upon the increase of wealth, the marriage-portions of women became greater, *Decies centena*, sc. *sestertia*, 8072*l.* 18*s.* 4*d.* *Martial.* ii. 65. 5. xi. 24. 3. *Juvenal.* vi. 136., the usual portion of a lady of Senatorian rank, x. 355. Some had *ducenties*, 161,458*l.* 6*s.* 8*d.* *Martial.* v. 38. 34.\*

Sometimes the wife reserved to herself (*recepit*, *Cic. Orat.* ii. 55. *Topic.* 26. vel *excepit*, i. e. *in usum suum reservavit*), a part of the dowry; hence called DOS RECEPTICIA, *Digest.* and a slave, who was not subject to the power of her husband, SERVUS RECEPTICIUS, *Gell.* xvii. 6., or DOTALIS, *Plaut. Asin.* 1. 72.†

Some think that *coemptio* was used as an accessory rite to *confarreatio*, and retained when the primary rite was dropped; from *Cic. Flacc.* 34.

The rite of purchase in marriage was not peculiar to the Romans; but prevailed also among other nations; as among the Hebrews, *Gen.* xxix. 18. 1 *Sam.* xviii. 25.; the Thracians, *Xenoph. Anab.* vii. *Herodot. Terpsich. init.*; the Greeks, *Euripid. Med.* 332.; the Germans, *Tacit. de Mor. G.* 18., &c.; the *Cantabri* in Spain, *Strab.* iii. 165. So in the days of Homer, *Odyss.* viii. 317., to which Virgil alludes, *G.* i. 31.

Some say that a yoke (*jugum*) used anciently to be put on a man and woman about to be married; whence they were called CONJUGES, *Serv. in Virg. Æn.* iv. 16. But others think this expression merely metaphorical; as, *Horat. Od.* ii. 5. 1. iii. 9. 1. 8. *Plaut. Cure.* i. 1. 50.

A matrimonial union between slaves was called CONTUBERNIUM; the slaves themselves CONTUBERNIALES (see pp. 33. 46.), or when a free man lived with a woman not married (CONCUBINATUS), *Suet. Vesp.* 3., in which case the woman was called CONCUBINA, *Cic. de Orat.* i. 40., PELLACA, *Suet. Vesp.* 21., or PELLEX, *quæ propriè fuit ejus, qui uxorem haberet*, *Festus.* *Plaut. Rud.* v. 4. 3. *Gell.* iv. 3.; thus, PELLEX REGINÆ, *Suet. Cæs.* 49., FILIÆ, *Cic. Cluent.* 70., *Juvenal.* ii. 57., SORORIS, *Ovid. Met.* vi. 537. *Epist.* 9. 132. *Jovis*, i. e. *Io*, *Ib.* xiv. 95. et alibi passim.

Married women were called MATRONÆ, or *matres familias*, *Gell.* xviii. 6., opposed to *meretrices*, *prostitutæ*, *scorta*, &c.

There could be no just or legal marriage, (NUPTIÆ, *justum matrimonium*, *connubium*, *conjugium*, vel *consortium*, i. e. *eadem fortuna aut conditio*, for better, for worse,) [*Jus Connubii*,] unless between Roman citizens; NON ERAT CUM EXTERNO CONNUBIUM, *Senec. Ben.* iv.

\* “Seneca remarks (*de Consol. ad Helvet.* c. 12.), that the sum with which the senate portioned the child of Scipio, would not, in his time, have been thought sufficient to provide the daughter of a freed-man with a mirror.” — *Sketches of the Institutions, &c. of the Romans*, p. 379.

† Hence, the freedom and licentiousness of their conduct, which Juvenal satirises, vi. 135.—

Optima sed quare Cesennia teste marito?

Bis quingenta dedit: tanti vocat ille pudicam.

*Ibid.* 459.—Intolerabilius nihil est quàm fœmina dives.

35., without a particular permission for that purpose, obtained first from the people or senate, and afterwards from the Emperors, *Liv.* xxxviii. 36. *Ulpian. Fragm.* v. 4. *Conjuge barbarâ TURPIS maritus virit*, Horat. Od. iii. 5. 5. Anciently, a Roman citizen was not allowed even to marry a freed-woman, *Liv.* xxxix. 19.; hence Antony is reproached by Cicero for having married Fulvia, the daughter of a freed-man, *Plin.* ii. 2. iii. 6., as he afterwards was detested at Rome for marrying *Cleopatra*, a foreigner, before he divorced Octavia; but this was not esteemed a legal marriage, *Plutarch. in Anton.*

By the *LEX PAPIA POPPÆA*, a greater freedom was allowed. Only senators and their sons and grandsons were forbidden to marry a freed-woman, an actress, or the daughter of an actor, *Dio.* liv. 16. But it was not till Caracalla had granted the right of citizenship to the inhabitants of the whole empire, that Romans were permitted freely to intermarry with foreigners.

The Romans sometimes prohibited intermarriages between neighbouring districts of the same country, *Liv.* viii. 14. ix. 43. xlv. 29., and what is still more surprising, the States of Italy were not allowed to speak the Latin language in public, nor their criers to use it in auctions, without permission, *Liv.* xl. 42.

The children of a Roman citizen, whether man or woman, and a foreigner, were accounted spurious, and their condition little better than that of slaves, *Liv.* xliii. 3. They were called *HYBRIDÆ* or *Ibridæ*, vel *-des*, Horat. Sat. i. 7. 2. Suet. Aug. 19.; the general name of animals of a mixed breed, or produced by animals of a different species, *mongrels* (*animalia ambigēna vel bigenēra, musimōnes, Umbri, &c.*); as a mule from a horse and an ass, a dog from a hound and a cur (*canis ex venatico et gregario*), *Plin.* viii. 5., hence applied to those sprung from parents of different nations, *Hirt. de Bell. Afr.* 19. *Martial.* vi. 39. viii. 22., and to words compounded from different languages.

The children of a lawful marriage were called *LEGITIMI*; all others *ILLEGITIMI*. Of the latter there were four kinds: *NATURALES, ex concubinâ*; *SPURII, ex meretrice vel scorto et incerto patre*, *Plutarch. Q. Rom.* 101.; *ADULTERINI* et *INCESTUOSI*. There were certain degrees of consanguinity, within which marriage was prohibited, as between a brother and sister, an uncle and niece, &c. Such connection was called *INCESTUS, -ûs vel -um*, Suet. Cl. 26. Ner. 5. Tacit. Ann. xii. 4, 5, 6., or with a Vestal Virgin, *Suet. Domit.* 8. These degrees were more or less extended, or contracted at different times, *Plutarch. Quest. Rom.* 6. *Tacit. Ann.* xii. 6, 7. *Liv.* i. 42. 46. xlii. 34. *Suet. Aug.* 63. *Claud.* 26.

Polygamy, or a plurality of wives, was forbidden among the Romans, *Suet. Jul.* 52. *Cic. de Orat.* i. 40.

The age of puberty or marriage was from fourteen for men, and twelve for girls, *Festus*.

A custom prevailed of espousing infants to avoid the penalties of the law against bachelors: but Augustus ordained, that no nuptial engagement should be valid, which was made more than two years before the celebration of the marriage, that is, below ten, *Dio.* liv. 16. lvi. 7. *Suet. Aug.* 34. This, however, was not always observed, *L.* 17. *Digest.* xxiii. tit. i. *de Sponsal.*

No young man or woman was allowed to marry without the consent of his or her parents or guardians, *Cic. Flacc.* 35. Hence a father was said *spondere*, vel *despondere filiam* aut *filium*, *Cic. Att.* i. 3. *Ter. And.* i. 1. 75. *Tacit. Agric.* 9., adding these words, *QUÆ RES RECTE VERTAT*: or *DII BENE VERTANT*, *Plaut. Aul.* ii. 2. 41. 49. ii. 3, 4.

There was a meeting of friends, usually at the house of the woman's father, or nearest relation, to settle the articles of the marriage contract, which was written on tables (*legitimæ tabellæ*), and sealed, *Juvenal.* ii. 119. vi. 25. 199. x. 336. This contract was called *SPONSALIA*, -orum, vel -ium, espousals; the man who was betrothed or affianced, *SPONSUS*, and the woman *SPONSA*, *Gell.* iv. 4. *Suet. Aug.* 53. *Cl.* 12., or *PACTA*, *Plaut. Pæn.* v. 3. 38. *Trin.* ii. 4. 99., as before *SPERATA*, *Id. Amphit.* ii. 2. 44., and *SPERATUS*, *Ovid. Ep.* xi. *prope finem*. The contract was made in the form of a stipulation, *AN SPONDES?* *SPONDEO*. Then likewise the dowry was promised, *Plaut. Trin.* v. 2. 34. *Terent. And.* v. 4. 47., to be paid down on the marriage-day, *Suet. Cl.* 26. *Juvenal.* x. 335., or afterwards usually at three separate payments (*tribus pensionibus*), *Cic. Att.* xi. 4. 23. & ult. On this occasion there was commonly a feast: and the man gave the woman a ring (*annulus pronubus*), by way of pledge, *Juvenal.* vi. 27., which she put on her left hand, on the finger next the least; because it was believed a nerve reached from thence to the heart, *Macrob. Sat.* vii. 15.

Then also a day was fixed for the marriage, *Ter. Andr.* i. 1. 75. Certain days were reckoned unfortunate; as the Kalends, Nones, and Ides, and the days which followed them, particularly the whole month of May, *MENSE MALUM MAJO NUBERE VULGUS AIT*, *Ovid. Fast.* v. 490. *Plutarch. Q. Rom.* 85., and those days which were called *ATRI*, marked in the kalendar with black; also certain festivals, as that of the *Salii*, *Parentalia*, &c., *Macrob. Sat.* i. 15. [*Ovid. Fast.* ii. 557.] But widows might marry on those days, *Ibid. Plut. Q. Rom.* 103.

The most fortunate time was the middle of the month of June, *Ovid. Fast.* vi. 221. *Plutarch. Ibid.* \*

If, after the espousals, either of the parties wished to retract (*sponsalia dissolvere, infirmare, vel infringere*), which they expressed thus, *CONDITIO TUA NON UTOR*, it was called *REPUDIUM*. Hence, *Repudiatus repeto*, after being rejected, I am sought back, *Ter. Andr.* i. 5. 15.; and when either, after signing the contract, sent notice that they wished to break off the match, they were said, *Repudium ei vel amicis ejus mittere, remittere vel renunciare*, *Ter. Phorm.* iv. 3. 72. v. 6. 35. *Plaut. Aul.* iv. 10. 69. But *Repudiare* also signifies, to divorce either a wife, *Suet. Cæs.* i., or a husband, *Quinctil.* vii. 8. 2.

On the wedding-day, the bride was dressed in a long white robe bordered with a purple fringe, or embroidered ribands (*segmenta et longi habitus*, *Juvenal.* ii. 124.), thought to be the same with *TUNICA RECTA*, *Plin.* viii. 48., bound with a girdle, *Lucan.* ii. 362., made of wool (*ZONA vel cingulum laneum*), tied in a knot, called *nodus Her-*

\* It was not lucky to marry in June before the Ides. — *Ovid. Fast.* vi. 225. The month of February was also avoided, because in it funeral obsequies were commemorated, ii. 561.

*culeus*, which the husband untied (*solvebat*), Ovid. Ep. ii. 116. Festus. Her face was covered (NUBEBATUR) with a red or flame-coloured [or saffron-coloured] veil (*luteum FLAMMEUM vel -us*), to denote her modesty, *Lucan.* ii. 361. *Juvenal.* ii. 124. vi. 224. *et Schol. in loc.* x. 334. *Martial.* xii. 42. *Plin.* xii. 8.; hence NUBERE, sc. *se viro*, [literally, *to veil herself for*,] to marry a husband; *dare vel collocare filiam nuptum v. nuptui*, i. e. *in matrimonium dare*, to marry a daughter or dispose of her in marriage. Her hair was divided into six locks with the point of a spear, *Plut. in Romul. et Quæst.* 86. *vel* 87. *Ovid. Fast.* ii. 560., and crowned with flowers, [a chaplet of vervain, gathered by herself,] *Catull.* lix. 6. Her shoes were of the same colour with her veil (*lutei socci*), *Catull.* lix. 10. *Plaut. Cas. prol.* 89. *Cic. Cluent.* 5. *Divin.* i. 16. *Liv.* xlii. 12. *Suet. Cl.* 26. *Tacit. Ann.* xi. 27. *Val. Max.* ix. 1.

No marriage was celebrated without consulting the auspices, *Juv.* x. 336. *Cic. Div.* i. 16. *Cluent.* 5. 16. *Plaut. Cas. prol.* 86. *Suet. Claud.* 26. *Tacit. Ann.* xi. 27. *Lucan.* ii. 371., and offering sacrifices to the gods, especially to Juno, the goddess of marriage, *Virg. Æn.* iv. 59. Anciently a hog was sacrificed, *Varro R. R.* ii. 3. The gall of the victim was always taken out and thrown away, to signify the removal of all bitterness from marriage, *Plutarch. præcep. conjug.* The marriage-ceremony was performed at the house of the bride's father, or nearest relation. In the evening, the bride was conducted (DUCEBATUR *vel deducebatur*) to her husband's house. She was taken apparently by force (*abripiebatur*) from the arms of her mother or nearest relation, in memory of the violence used to the Sabine women. Three boys, whose parents were alive, attended her; two of them, supporting her by the arm, and the third bearing a flambeau of pine or thorn before (*Tæda pinea vel spinea*), Festus, *Catull.* lix. 17. *Plin.* xvi. 18. *Propert.* iv. 12. 46. There were five other torches carried before her, (called *FACES NUPTIALES*, *Cic. Cluent.* 6., *MARITÆ*, *Ovid. Ep.* xi. 101. *LEGITIMÆ*, *Lucan.* ii. 356.) *Plutarch. Q. Rom.* 2. Hence TÆDA is put for marriage, *Virg. Æn.* iv. 18. *Ovid. Met.* iv. 60.

‡ Maid-servants followed with a distaff, a spindle, and wool (*colus compta, et fusus cum stamine*), intimating that she was to labour at spinning as the Roman matrons did of old, *Plin.* viii. 48. s. 74. *Ovid. Fast.* ii. 741. *Liv.* i. 57., and some of the most illustrious in later times. Augustus is said to have seldom worn any thing but the manufacture of his wife, sister, daughter, and nieces, at least for his domestic robes, *Suet. Aug.* 73.

A boy named CAMILLUS carried, in a covered vase called CUMERUM *vel -a*, the bride's utensils (NUBENTIS UTENSILIA), Festus, and playthings for children (CREPUNDIA), *Plaut. Cist.* iii. 1. 5. *Rud.* iv. 4. 110.

A great number of relations and friends attended the nuptial procession (*pompam nuptialem ducebant*), which was called OFFICIUM, *Juvenal.* ii. 132. vi. 202. *Suet. Cal.* 25. *Claud.* 26. *Ner.* 28.; hence DUCERE *uxorem*, sc. *domum*, to marry a wife. The boys repeated jests and raileries (*sales et convicia*) as she passed along, *Lucan.* ii. 369. Festus, *Catull.* lix. 127.

The door and door-posts of the bridegroom's house were adorned

with leaves and flowers, and the rooms with tapestry, *Juvenal.* vii. 51. 79. 226.

When the bride came thither, being asked who she was, she answered, *UBI TU CAIUS, IBI EGO CAIA*, i. e. *Ubi tu Dominus et pater familias, ibi ego Domina et mater familias*. A new married woman was called *CAIA*, from *Caia Cæcilia*, or *Tanaquil*, the wife of *Tarquinius Priscus*, who is said to have been an excellent spinster (*lanifica*) and housewife, *Cic. Mur.* 12. *Quinctil.* i. 7. *Festus*. Her distaff and spindle were kept in the temple of *Sangus* [*Sancus*] or *Hercules*, *Plin.* viii. 48. s. 74.

The bride bound the door-posts of her husband with woollen fillets, *Plin.* xxix. 2. s. 9. *Lucan.* ii. 355. *Serv. in Virg. Æn.* iv. 458., and anointed (*ungebat*) them with the fat of swine or wolves, to avert fascination or enchantments; whence she was called *UXOR*, *quasi UNXOR*, *Serv. ibid. Plin.* xxviii. 9. s. 37.

She was lifted over the threshold, *Lucan. ibid. Plutarch. in Romul. et Quæst. Rom.* 29., or gently stepped over it, *Plaut. Cas.* iv. 4. 1. It was thought ominous to touch it with her feet, because the threshold was sacred to *Vesta*, the goddess of virgins, *Serv. in Virg. Ecl.* viii. 29.

Upon her entry, the keys of the house were delivered to her, to denote her being intrusted with the management of the family, *Festus*. A sheep's skin was spread below her; intimating that she was to work at the spinning of wool, *Plutarch. Quæst. Rom.* 31. Both she and her husband touched fire and water, because all things were supposed to be produced from these two elements, *Plutarch. Q. Rom.* 1. *Varro de L. L.* iv. 10. *Ovid. Fast.* iv. 792. *Art. Am.* ii. 598.; with the water they bathed their feet, *Serv. in Virg. Æn.* iv. 167.

The husband on this occasion gave a feast (*COENA NUPTIALIS*) to his relations and friends, to those of the bride and her attendants, *Plaut. Curc.* v. 2. 62. *Suet. Cal.* 25. *Juvenal.* vi. 201.\*

Musicians attended, who sang the nuptial song (*EPITHALAMIUM*), *HYMENÆUS* vel *-um*, vel *THALASSIO*, *Martial.* iii. 93. 25. *Catull.* 61. *Ter. Adelph.* v. 7. 7. *Stat. Sylv.* ii. 7. 87. They often repeated *IO HYMEN HYMENÆE*, *Plaut. Cas.* iv. 3., and *THALASSIO*, *Martial.* i. 36. 6., from *Hymen* the god of marriage among the Greeks, and *Thalassus* among the Romans, *Ibid. Martial.* xiii. 42. 5., or from one *Talassius*, who lived in great happiness with his wife [one of the Sabine women], *Festus, Liv.* i. 9., as if to wish the new-married couple the like felicity, *Plutarch. in Pomp.* (or from *ταλασία*, *lanificium*, *Plutarch. in*

\* A sort of bride cakes (*mustacea*) made of meal, anise-seed, cummin, and other ingredients, were distributed to the company: —

“ ————— Nec est quare cœnam et *mustacea* perdas,  
*Labente officio*, crudis donanda.” — *Juv. Sat.* vi. 201.

*Labente officio* means the latter end of the feast, when the company was going to disperse; for those who were guests upon the occasion were said *ad officium venire: crudis, quælmish*, after the entertainment. It appears, also, that pieces of money were put into a broad plate or dish and presented by the husband to the bride: —

“ ————— Cum lance beatâ  
*Dacicus et scripto radiat Germanicus auro.*” — *Juv. Sat.* vi. 203.

Both these were gold coins, in commemoration of the pretended victories of *Domitian* over the *Dacians* and *Germans*.

Romulo.)<sup>\*</sup> These words used also to be resounded by the attendants of the bride on the way to her husband's house, *Martial. Ibid. Ovid. Ep. xii. 143. xiv. 27.* Hence *Hymenæos canere*, to sing the nuptial song, *Virg. Æn. vii. 398.*, vel *Hymenæa*, sc. *carmina*, *Ovid. Art. Am. i. 563.* *Hymenæi inconcessi*, forbidden nuptials, *Virg. Æn. i. 651., vetiti, vi. 623.*

After supper the bride was conducted to her bed-chamber (*in thalamum*) by matrons who had been married only to one husband, called *Pronūbæ*, Festus, and laid (*collocabatur*) in the nuptial couch (*lectus genialis*), which was magnificently adorned, *Catull. lix. 188.*, and placed in the hall (*in atrio vel aulâ*, *Horat. Ep. i. 1. 87.*) opposite (*adversus*) to the door, and covered with flowers, *Cic. Cluent. 5. Catull. lix. 192. Donat. in Ter. Eun. iii. 5. 45. Juvenal. x. 334. Tacit. Ann. xv. 37. Propert. iv. 11. 81. Gell. xvi. 9.*, sometimes in the garden, *Juvenal. x. 334.* If it had ever been used for that purpose before, the place of it was changed, *Propert. iv. 12. 85. iv. 9. 59.* There were images of certain divinities around, SUBIGUS, PERTUNDA, &c. *Arnob. iv. Augustin. de Civ. Dei, vi. 9.* Nuptial songs were sung by young women before the door till midnight, *Ovid. Fast. iii. 675. 695.*, hence called EPITHALAMIA. The husband scattered nuts among the boys, *Plin. xv. 22. Serv. in Virg. Ecl. viii. 30. Catull. lix. 131.*, intimating that he dropped boyish amusements and thenceforth was to act as a man. Hence *nuces relinquere*, to leave trifles and mind serious business, *Pers. i. 10.*, or from boys playing with nuts in the time of the *Saturnalia*, *Suet. Aug. 83. Martial. v. 85. xiv. 1. 12.*, which at other times was forbidden, *Ib. 18.* Young women, when they married, consecrated their playthings, and dolls or babies (PUPÆ), to Venus, *Pers. ii. 70.* The guests were dismissed with small presents (*Apophorêta*), *Martial. xiv. 1. Juvenal. vi. 202.*

Next day another entertainment was given by the husband, called REPOTIA, *-orum*, Festus†, *Horat. Sat. ii. 2. 60.*, when presents were sent to the bride by her friends and relations; and she began to act as mistress of the family, by performing sacred rites, *Macrobian. Sat. i. 15.*

A woman after marriage retained her former name; as *Julia, Tullia, Octavia, Paulla, Valeria*, &c. joined to that of her husband; as CATONIS MARCIA, *Lucan. ii. 344.*, *Julia Pompeii, Terentia Cicronis, Livia Augusti*, &c.

Divorce (DIVORTIUM), or a right to dissolve the marriage, was, by the law of Romulus, permitted to the husband, but not to the wife, *Plutarch. in Romulo*; as by the Jewish law, *Deut. xxiv. 1.*, not however without a just cause, Festus in SONTICUM. A groundless or unjust divorce was punished with the loss of effects; of which one

<sup>\*</sup>“ Others say (*Plut. p. 26.*), that *Thalassio* was the word Romulus had agreed to pronounce, when the Romans were to begin the rape of the Sabine women. And, indeed, this cry suited very well with the god of the sea, whose festival they were then celebrating; and, therefore, the poets always give him the surname of *Thalassios*. *Aristophanes*, speaking of Neptune, calls him, *Θαλάσσιος Ποσειδών.*” — *Hooke's Rom. Hist. i. 44.*

† Festus, in explaining the term, gives also its etymology:—“ *Repotia*: postridie nuptias apud novum maritum cœnatur, quia quasi reficitur potatio;” i. e. a repetition of festivity (*re et pōto*).





r of consuls but of husbands, *De Benef. mariti quinque per autumnos*, vi. 228. by just cause, *Cic. Fam.* viii. 7. But a patron, was not permitted to divorce

restricted this license of *BONA GRATIA* *Suet. Aug.* 34., and likewise Domitian. although the women who made them *Quæ nubit toties, non nubit; adultera*

uv, *dimittere uxorem*; and the woman *re virum*; both, *Facere divortium cum uxore*, *Cic. Fam.* viii. 7. D. 24. §. 34. de with different ceremonies, according marriage had been celebrated.

*Infarreatio* was dissolved by a sacrifice *tus*; which was still in use in the time on (*discidium*) took place betwixt the (*Flaminica*), *Quæst. Rom.* 50.

*coemptio* was dissolved by a kind of re-), *Id.* In this manner Cato is supposed y his wife Marcia to Hortensius, *Plu-* Nero his wife Livia to Augustus, even 1. *Dio.* xlviii. 44. *Vel.* ii. 94.

made with fewer ceremonies. In pre-marriage-contract was torn (*Tabulæ nup-*), *Tacit. Ann.* xi. 30. *Juvenal.* ix. 75., wife (*claves adimebantur*), *Cic. Phil.* ii. pronounced by a freed-man, or by the *TIBI HABE vel -ETO; TUAS RES TIBI ADE FORAS, I FORAS, MULIER; CEDE*

*Cic. de Orat.* i. 40. *Plaut. Amph.* iii. *uv.* vi. 145. [*Collige sarcinulas, dicet* xi. 105. 1. 2. 9. D. *de Divort.* Hence orce, *Cic. Phil.* ii. 28.

he sent his wife a bill of divorce (*un-* 10., on which similar words were in- *imonii RENUNCIATIO.*

ction (*ACTIO MALÆ TRACTATIONIS*), to divorce was made, *Cic. Top.* 4. *Quinctil.*

When the divorce was made by the *ABEAS TUAS RES, REDDAS MEAS*, *Plaut.*

the public registers (*acta*), *Cic. Fam.* marriages, *Juvenal.* ii. 136., births, *Id.* 39.

ear mourning for their husbands at least, and if they married within that time 2. *C. de secund. Nupt.*; but men were

ier, after the death of his wife Faustina, *et liberis superduceret novercam*), that he

half fell to the wife, and the other was consecrated to Ceres, *Plutarch. ibid.*

A man might divorce his wife if she had violated the conjugal faith, used poison to destroy his offspring, or brought upon him supposititious children; if she had counterfeited his private keys, or even drunk wine without his knowledge, *Plutarch. ibid. Gell. x. 23. Plin. xiv. 12.\** In these cases, the husband judged together with his wife's relations, *Dionys. ii. 25.* This law is supposed to have been copied into the Twelve Tables, *Cic. Phil. ii. 28.*

Although the laws allowed husbands the liberty of divorce, there was no instance of its being exercised for about 520 years. Sp. Carvilius Ruga was the first who divorced his wife, although fond of her, because she had no children, on account of the oath he had been forced to take by the censors, in common with the other citizens, *uxorem se liberum quærendorum gratia habiturum*, that he would marry to have children, *Gell. iv. 3. Val. Max. ii. 1. 4. Dionys. ii. 25.*

Afterwards divorces became very frequent; not only for important reasons, *Suet. Aug. 62. Claud. 26. Ner. 35.*, but often on the most frivolous pretexts, *Val. Max. vi. 3. 11, 12. Dio. xlv. 18. Plutarch. in L. Paullo et Ciceron. Juvenal. vi. 147.* Cæsar, when he divorced Pompeia, the niece of Sylla, because Clodius had got admission to his house in the garb of a music-girl, at the celebration of the sacred rites of the *Bona Dea*, *Cic. Sext. 34.*, declared, that he did not believe any thing that was said against her, but that he could not live with a wife who had once been suspected, *Dio. xxxvii. 45. Suet. Cæs. 6. Cic. Att. i. 12.†*

If a wife was guilty of infidelity, she forfeited her dowry, *Val. Max. viii. 2, 3.‡*; but if the divorce was made without any fault of hers, the dowry was restored to her, sometimes all at once, but usually by three different payments, *Cic. Att. xi. 4. 23. 25.* When the separation was voluntary on both sides (*cum BONA GRATIA a se invicem discedebant*), she sometimes also retained the nuptial presents of her husband, *Ovid. de Rem. Am. 669.*

In the later ages of the Republic, the same liberty of divorce was exercised by the women as by the men. Some think that right was granted to them by the law of the Twelve Tables, in imitation of the Athenians, *Plutarch. in Alcibiade.* This, however, seems not to have been the case; for it appears they did not enjoy it even in the time of Plautus, *Mercat. iv. 6.*; only if a man was absent for a certain time, his wife seems to have been at liberty to marry another, *Plaut. Stich. i. 1. 29.* Afterwards, some women deserted their husbands so frequently, and with so little shame, that Seneca says, they reckoned

\* "If he put her away without any of these grounds, one half of his property was forfeited to her whom he had injured, the other to the temple of Ceres." — *Nieb. i. p. 194.*

† "In cases of divorce when there were children, it was the custom for each party to make a settlement, by will, on their common offspring, proportionable to their several estates; which is the meaning of Cicero's pressing Atticus so often, in his letters, to put Terentia in mind of making her will, and depositing it in safe hands.

*Att. xi. 21, 22. 24. xii. 18.*" — *Middleton's Cic. ii. 117.*

Domitian passed a law, rendering adulteresses incapable of receiving any legacy.

*Domit. c. 8. Juvenal. i. 55.* He also prohibited them from the use of the

their years not from the number of consuls but of husbands, *De Benef.* iii. 16. So Juvenal, *Fiunt octo mariti quinque per autumnos*, vi. 228. Martial. vi. 7., often without any just cause, *Cic. Fam.* viii. 7. But a freed-woman, if married to her patron, was not permitted to divorce him (*ei repudium mittere*).

Augustus is said to have restricted this license of BONA GRATIA divorces, as they were called, *Suet. Aug.* 34., and likewise Domitian. They still, however, prevailed; although the women who made them were by no means respectable, *Quæ nubit toties, non nubit; adultera lege est*, Martial. vi. 7.

The man was said ἀποίμπειν, *dimittere uxorem*; and the woman ἀπολείπειν, *relinquere vel deserere virum*; both, *Facere divortium cum uxore vel viro, a viro, vel ab uxore*, *Cic. Fam.* viii. 7. D. 24. 3. 34.

A divorce, anciently, was made with different ceremonies, according to the manner in which the marriage had been celebrated.

A marriage contracted by *confarreatio* was dissolved by a sacrifice called DIFFARREATIO, *Festus*; which was still in use in the time of Plutarch, when a separation (*discidium*) took place betwixt the *Flamen* of Jupiter and his wife (*Flaminica*), *Quæst. Rom.* 50.

A marriage contracted by *coemptio* was dissolved by a kind of *release* called REMANCIPATIO, *Id.* In this manner Cato is supposed to have voluntarily given away his wife Marcia to Hortensius, *Plutarch. in Cat.*, and Tiberius Nero his wife Livia to Augustus, even when pregnant, *Tacit. Ann.* v. 1. *Dio.* xlviii. 44. *Vel.* ii. 94.

In later times, a divorce was made with fewer ceremonies. In presence of seven witnesses, the marriage-contract was torn (*Tabulæ nuptiales vel dotales frangebantur*), *Tacit. Ann.* xi. 30. Juvenal. ix. 75., the keys were taken from the wife (*claves adimebantur*), *Cic. Phil.* ii. 28., then certain words were pronounced by a freed-man, or by the husband himself, RES TUAS TIBI HABE VEL -ETO; TUAS RES TIBI AGITO; EXI, EXI OCYUS; VADE FORAS, I FORAS, MULIER; CEDE DOMO, *Plaut. Casin.* ii. 2. 36. *Cic. de Orat.* i. 40. *Plaut. Amph.* iii. 2. 47. *Ovid. Ep.* xii. 134. *Juv.* vi. 145. [*Collige sarcinulas, dicet libertus, et exi.*] *Mart.* x. 42. xi. 105. 1. 2. 9. D. de Divort. Hence *Exigere foras vel ejicere*, to divorce, *Cic. Phil.* ii. 28.

If the husband was absent, he sent his wife a bill of divorce (*nuncium remittebat*), *Cic. Att.* i. 10., on which similar words were inscribed. This was called *matrimonii RENUNCIATIO*.

There was sometimes an action (ACTIO MALÆ TRACTATIONIS), to determine by whose fault the divorce was made, *Cic. Top.* 4. *Quinctil.* vii. 3. *Declam.* viii. 18. 383. When the divorce was made by the wife, she said VALEAS, TIBI HABEAS TUAS RES, REDDAS MEAS, *Plaut. Amph.* iii. 2. 47.

Divorces were recorded in the public registers (*acta*), *Cic. Fam.* viii. 7. *Senec. De Benef.*, as marriages, *Juvenal.* ii. 136., births, *Id.* ix. 84., and funerals, *Suet. Ner.* 39.

Widows were obliged to wear mourning for their husbands at least ten months, *Senec. Epist.* 65., and if they married within that time they were held infamous, L. 2. C. de secund. Nupt.; but men were under no such restriction.

M. Antoninus, the philosopher, after the death of his wife Faustina, lived with a concubine (*ne tot liberis superduceret novercam*), that he

might not bring in a step-mother on his children, *Capitolin. in Vita ejus, fin.*

Second marriages in women were not esteemed honourable, and those who had been married but to one husband, or who remained in widowhood, were held in particular respect. Hence UNIVIRA is often found in ancient inscriptions, as an epithet of honour. So, UNINUPTA [the boast of Cornelia], *Propert. iv. ult.* Such as married a second time were not allowed to officiate at the annual sacred rites of Female Fortune (*Fortuna muliebris*), *Dionys. viii. 56.* Val. Max. 1. 8. 4. Serv. in *Virg. Æn. iv. 19.* Festus in *Pudicitiae signum.* Among the Germans second marriages were prohibited by law, *Tacit. de Mor. Germ. 19.*

#### IV. ROMAN FUNERALS.

THE Romans paid the greatest attention to funeral rites, because they believed that the souls of the unburied were not admitted into the abodes of the dead, or, at least, wandered a hundred years along the river Styx, before they were allowed to cross it; for which reason, if the bodies of their friends could not be found, they erected to them an empty tomb\*, (*TUMULUS INANIS*, *κενοτάφιον*, *Cenotaphium*), at which they performed the usual solemnities, *Virg. Æn. iii. 304. vi. 326. 505.* *Stat. Theb. xii. 162.*, and if they happened to see a dead body, they always threw some earth upon it, *Ib. 365.* *Horat. Od. i. 28. 23. 36.*, and whoever neglected to do so was obliged to expiate his crime by sacrificing a hog to Ceres, *Festus in PRÆCIDANEA AGNA*; [*Cic. de L. L. ii. 22.*] hence no kind of death was so much dreaded as shipwreck, *Ov. Trist. i. 2. 51.*; hence, also, *Rite condere manes*, to bury in due form, *Plin. Ep. vii. 27.* *Condere animam sepulchro*, *Virg. Æn. iii. 68.* See *Plaut. Most. ii. 2. 66.* *Suet. Cal. 59.*, and to want the due rites was esteemed the greatest misfortune, *Ovid. Ep. x. 119.* [*Hom. Il. ψ. 71.*]

When persons were at the point of death, their nearest relation present endeavoured to catch their last breath with their mouth (*extremum spiritum ore excipere*), *Cic. Verr. v. 45.* *Virg. Æn. vi. 684.*, for they believed that the soul or living principle (ANIMA), then went out at the mouth. Hence the soul of an old person (*anima senilis*) was said *in primis labris esse*, *Senec. Ep. 30.*, or *in ore primo teneri*, *Id. Herc. Fur. 1310.*; so ANIMAM agere, to be in the agony of death, *Liv. xxvi. 14.* *Cic. Fam. viii. 13.* *Tusc. i. 9.* *Senec. Ep. 101.* *Animam dare, efflare, exhalare, exspirare, effundere, &c.* to die. †

\* These empty tombs were supposed to be retreats for the wandering souls of those who had had no burial. So *Virg. Æn. iii. 67.*,

“ ——— Animamque sepulcro  
Condimus, et magnâ supremum voce ciemus.”

† “ According to the Roman poets every man possessed a threefold soul, which, after the dissolution of the body, resolved itself into the *manes*, the *anima* or *spiritus*, and the *umbra*; to each of which a different place was assigned. The *manes* descended into the infernal regions, to inhabit either Tartarus or Elysium. The *anima* ascended to the skies to mingle with the gods; while the *umbra* hovered around the tomb, as if unwilling to quit its connection with the body, of which it was the *wraith* or shadow. This notion is expressed in the following lines attributed to Ovid: —

They now also pulled off their rings, *Suet. Tib.* 73. *Plin.* xxxi. 1., which seem to have been put on again before they were placed on the funeral pile, *Propert.* iv. 7. 9.

The nearest relation closed the eyes and mouth of the deceased, [*Gen.* xlv. 4.] *Virg. Æn.* ix. 487. *Ovid. Her.* i. 102. 113. ii. 102. x. 120. *Lucan.* iii. 740., probably to make them appear less ghastly, *Suet. Ner.* 49. The eyes were afterwards opened on the funeral pile, *Plin.* ix. 37. s. 55. When the eyes were closed, they called (*inclamabant*) upon the deceased by name several times at intervals, *Ovid. Trist.* iii. 3. 43., repeating *AVE* or *VALE*, *Catull.* xcvi. 10. *Ovid. Met.* x. 62. *Fast.* iv. 852., whence *corpora nondum conclamata*, just expiring, *Lucan.* ii. 23.; and those who had given up their friends for lost, or supposed them dead, were said *eos conclamavisse*, *Liv.* iv. 40.; so when a thing was quite desperate, *CONCLAMATUM EST*, all is over, *Ter. Eun.* ii. 3. 56.

The corpse was then laid on the ground, *Ov. Trist.* iii. 3. 40.; hence *DEPOSITUS*, for *in ultimo positus, desperatæ salutis*, desperate, dying, past hopes of recovery, *Id. ex Pont.* ii. 2. 47. *Trist.* iii. 3. 40. *Virg. Æn.* xii. 395. *Cic. Verr.* i. 2.; or from the ancient custom of placing sick persons at the gate, to see if any that passed had ever been ill of the same disease, and what had cured them, *Serv. in Virg. Æn.* xii. 395. *Strab.* iii. p. 155. xvi. 746. *Herodot.* i. 197.; hence *DEPONERE aliquem vino*, to intoxicate, *Plaut. Aul.* iii. 6. 39. *Positi artus*, dead, *Ovid. Her.* x. 122., so *compositus vino somnoque*, overpowered, *Ovid. Amor.* i. 4. 51. ii. 5. 22.

The corpse was next bathed with warm water, [*Acts* ix. 37.] and anointed with perfumes, *Virg. Æn.* vi. 219. *Ovid. ib.* *Plin. Epist.* v. 16.\*, by slaves called *POLLINCTORES* (*quasi pellis unctores*), *Plaut. Asin.* v. 2. 60. *Pœn. prol.* 63., belonging to those who took care of funerals (*LIBITINARII*), *Senec. de Benef.* vi. 38., and had the charge of the temple of *Venus Libitina*, where the things requisite for funerals (*necessaria funeribus*) were sold, *Plutarch. Rom. Quæst.* 23. *Liv.* xli. 21. Hence *Vitare Libitinam*, not to die, *Horat. Od.* iii. 30. 6. *Mirari nihil, nisi quod Libitina sacravit*, to admire nobody till after his death, *Id. Ep.* ii. 1. 49., *Libitinam evadere*, to escape death, *Juvenal.* xii. 122., *Libitina* is also put for the funeral couch, *Martial.* viii. 43. 4. *Acron. in Hor. Od.* iii. 30. 6.

In this temple was kept an account (*ratio vel ephemeris*) of those who died, *Suet. Ner.* 39., for each of whom a certain coin was paid, *Dionys.* iv. 15.; hence *Autumnusque gravis, Libitinæ quæstus acerbæ*, because autumn being unhealthful usually occasioned great mortality, *Horat. Sat.* ii. 6. 19. So *Phædr.* iv. 19. 25.

‘ Terra legit carnem, tumulum circumvolat umbra,  
Orcus habet manes, spiritus astra petit.’

Hence Virgil represents Dido, when about to expire, as threatening to haunt Æneas with her *umbra*, at the same time consoling herself with the expectation that the tidings of his punishment will reach her *manes* in the shades below.” — *Encyc. Britann.* art. *Apparitions*.

\* Hence Martial (in allusion to this custom of anointing the dead), when satirising the master of an entertainment, where plenty of perfumes had been supplied, but very little to eat, says: —

“ Qui non carnat, et ungitur, Fabulle,  
Is verè mihi mortuus videtur.” — iii. 12.



The money paid for the liberty of burial and other expenses was called *ARBITRIUM*, oftener plur. *-ia*, Cic. post Red. in Sen. 7. Dom. 37. Pis. 9., so *arbitrium vendendi salis*, the monopoly of salt, Liv. ii. 9.

The body was then dressed in the best robe which the deceased had worn when alive, Virg. *Æn.* ix. 488. Ordinary citizens in a white *toga*, Juv. iii. 172., magistrates in their *prætecta*, &c. and laid (*componebatur vel collocabatur*) on a couch in the vestibule (*locus vacuus ante januam domûs, per quem a viâ ad ædes itur*, Gell. xvi. 5.), with the feet outwards, as if about to take its last departure, Ovid. *Met.* ix. 502. Tacit. *Agric.* 45. Senec. *Ep.* 12. Brev. *Vit.* 20. Suet. *Aug.* 101. Pers. iii. 104. Hence *componere*, to bury, Horat. *Sat.* i. 9. 28. Ov. *Fast.* iii. 547. v. 426. Tacit. *Hist.* i. 47. Then a lamentation was made. Hence, *Sic positum affati discedite corpus*, Virg. *Æn.* ii. 644. The couch was sometimes decked with leaves and flowers, Virg. *Æn.* xi. 66. Dionys. xi. 39., the bedstead of ivory, Prop. ii. 10. 21. If the deceased had received a crown for his bravery, it was now placed on his head, Cic. *de Legg.* ii. 24. Plin. xxi. 3. A small coin, *triens vel obolus*, was put in his mouth, which he might give to Charon (*Portitor vel Porthmeus*, the ferryman of hell) for his freight, Juven. iii. 267. Hence a person who wanted this and the other funeral oblations was said *Abiisse ad Acherontem sine viatico*; for without them it was thought that souls could not purchase a lodging, or place of rest (*nusquam posse diverti*), Plaut. *Pœn.* Prol. 71.

A branch of cypress was placed at the door of the deceased, at least if he was a person of consequence, Lucan. iii. 442. Festus, Horat. *Od.* ii. 14. 23. Plin. xvi. 33., to prevent the *Pontifex Maximus* from entering, and thereby being polluted, Serv. *ad Virg. Æn.* iii. 64. iv. 507., for it was unlawful for him not only to touch a dead body, Dio. lvi. 31., but even to look at it, Senec. *Marc.* 15. *Id.* liv. 28. This tree was sacred to Pluto, because when once cut it never grows again, called *atru*, *feralis*, *funerea* vel *funebri*s, from its being used at funerals, *Ibid.*

The Romans at first usually interred (*humabant*) their dead, which is the most ancient and most natural method, Cic. *de Legg.* ii. 22. Plin. vii. 54. Genes. iii. 19. They early adopted the custom of burning (*cremandi vel comburendi*) from the Greeks, Plutarch. in *Numâ*, which is mentioned in the laws of Numa, and of the Twelve Tables, Cic. *ibid.*; but it did not become general till towards the end of the republic.

Sylla was the first of the Patrician branch of the *Gens Cornelia* that was burnt; which he is supposed to have ordered, lest any one should dig up his body and dissipate his remains, as he did those of Marius, Cic. Plin. *ibid.* Pliny ascribes the first institution of burning among the Romans to their having discovered, that the bodies of those who fell in distant wars were dug up by the enemy, *Ibid.* It appears, however, to have prevailed at an early period, Dionys. v. 47, 48. The wise men among the Indians, called *GYMNOSOPHISTÆ*, commonly burnt themselves alive, Plin. vi. 19. s. 22., as Calanus in presence of Alexander, Cic. *Tusc.* ii. 21., Zamarus at Athens, while Augustus was there, Dio. liv. 9.

Under the emperors, the custom of burning became almost universal, Tacit. *Ann.* xvi. 6., but was afterwards gradually dropped upon

the introduction of Christianity, so that it had fallen into disuse about the end of the fourth century, *Macrobius* vii. 7.

Children before they got teeth were not burnt, *Plinius* vii. 15. s. 16. *Juvenal* xv. 140., but buried in a place called SUGGRUNDARIUM, *Fulgentius de Priscis Serm.* 7. So likewise persons struck with lightning (*fulguriti*), *Plinius* ii. 55. *Seneca de Ira* iii. 23. *Quintus Nat.* ii. 21., were buried in the spot where they fell, called BIDENTAL, because it was consecrated by sacrificing sheep (*bidentes*), *Persius* ii. 27. *Lucan* i. 606. viii. 864. *Festus Gell.* xvi. 6. It was enclosed with a wall, and no one was allowed to tread upon it, *Ibid.* To remove its bounds (*movere bidental*) was esteemed sacrilege, *Horatius A. P.* 471.

The expressions SEPELIRE, *Sepultura*, and *Sepulchrum*, are applied to every manner of disposing (*condendi*) of a dead body, *Plinius* 17. 54. *Cicero Tusc.* i. 45. So also HUMARE, &c. *Cicero Legg.* ii. 22. *Nepos Eumen.* 13. JUSTA, *exsequiæ vel funus*, funeral obsequies or solemnities; hence JUSTA *funebria*, *justa funerum vel exsequiarum*, et *justa funera alicui facere, solvere vel persolvere*, *Cicero Flacc.* 38. *Legg.* ii. 17. *Livius* i. 20. *Sallust Jug.* 11. *Cæsar B. G.* vi. 17. *Reddere justa funeri*, *Plinius* x. 2. But EXSEQUIÆ properly denotes the funeral procession (*officium exsequiarum v. pompa funebris*). Hence EXSEQUIAS *ducere, deducere, comitari, frequentare, prosequi*, &c. to attend the funeral, *funeri interesse*, *Tacitus Ann.* ii. 32. xvi. 6, 7. 21. *Suetonius Tib.* 32. *Terentius Andr.* i. 100.

Of funerals there were chiefly two kinds, — public and private.

The public funeral was called INDICTIVUM, (*ad quod per præconem homines evocabantur*), because people were invited to it by a herald, *Cicero Dom.* 18. (See p. 157.) Of this kind the most remarkable were *Funus CENSORIUM*, *Tacitus Ann.* iv. 15. xiii. 2. *Dionysius* liii. 30. liv. 28., including *funus consulare, prætorium, triumphale*, &c. PUBLICUM, when a person was buried at the public expense, *Tacitus Ann.* iii. 48. vii. 11. *Suetonius Vit.* 3., and COLLATIVUM, by a public contribution, *Livius* ii. 33. *Valerius Maximus* iv. 3. *Plutarch in Poplic.* (See p. 131.) Augustus was very liberal in granting public funerals (*δημοσλας ταφαι*), as at first in conferring the honour of a triumph, *Dionysius* liv. 12. There was also a *military* funeral performed at the public expense. *Livius* iii. 43.

A private funeral was called TACITUM, *Seneca de Tranq.* 1. *Ovid Trist.* i. 3. 22. TRANSLATITIVUM, *Suetonius Ner.* 33., PLEBEIUM, *Propertius* ii. 10. 25. COMUNE, *Auson Parent.* x. 5., and VULGARE, *Capitolinus in Anton. Phil.* 13.

The funeral of those who died in infancy, or under age, was called ACERBUM, or *immaturum*, *Virgil Æn.* vi. 429. *Juvenal* xi. 44. *Seneca Ep.* 123., or EXSEQUIÆ IMMATURÆ, *Id. Tranq. Anim.* i. 11. But *funus acerbum* is applied by some only to infants, and *immaturum* to young men. Such were buried sooner than grown persons, and with less pomp, *Cicero Cluent.* 9. *Tacitus Ann.* xiii. 17. *Suetonius Ner.* 33. *Funera puerorum ad faces et cereos ducta*, *Seneca Brev.* vii. 20. *Ep.* 129.

When a public funeral was intended, the corpse was kept usually for seven or eight days, *Servius in Virgil Æn.* v. 64. vi. 218., with a keeper set to watch it, *Id.* xi. 30., and sometimes boys to drive away the flies,

*Xiphilin.* lxxiv. 4. When the funeral was private, the body was not kept so long, *Cic. Cluent.* 9. *Suet. Oth. Tacit. Ann.* xiv. 3.

On the day of the funeral, when the people were assembled, the dead body was carried out with the feet foremost (*pedibus efferebatur*, *Plin.* viii. 8.), on a couch covered with rich cloth (*stragula vestis*) with gold and purple, *Suet. Jul.* 84., supported commonly on the shoulders of the nearest relations of the deceased, *Plin.* vii. 44. *Juvenal.* x. 259. *Val. Max.* xii. 1., or of his heirs, *Horat. Sat.* ii. 5. 86., sometimes of his freedmen, *Pers.* iii. 106. Julius Cæsar was borne by the magistrates, *Suet.* 84., Augustus by the senators, *Id.* 101., and Germanicus by the tribunes and centurions, *Tacit. Ann.* iii. 2. So Drusus, his father, who died in Germany, by the tribunes and centurions, to the winter quarters, and then by the chief men in the different cities on the road to Rome, *Dio.* lv. 2. *Suet. Claud.* 1. Paulus Æmilius by the chief men of Macedonia who happened to be at Rome when he died, *Val. Max.* ii. 10. 3. *Plutarch. in Vit.*

Poor citizens and slaves were carried to the funeral pile in a plain bier or coffin, (*SANDAPILA*, *Martial.* ii. 81. viii. 75. 14. *Juvenal.* viii. 175., *VILIS ARCA*, *Horat. Sat.* i. 8. 9. *Lucan.* viii. 736., *ORCINIANA SPONDA*, *Martial.* x. 5. 9.,) usually by four bearers, called *VESPILLONES*, vel *Vespæ* (*quia vespertino tempore mortuos efferebant*), *Festus*, *Suet. Dom.* 17. *Eutrop.* vii. 34. *Martial.* i. 31. 48. *SANDAPILONES*, vel *-arii*; and in later writers, *LECTICARII*.

The funeral couches (*LECTICÆ*, *lecti*, vel *tori*) of the rich seem also to have been borne by *Vespillones*, *Nep. Att.* 22. *Gell.* x. 3. Hence a couch carried by six was called *HEXAPHORUM*, *Martial.* ii. 81. vi. 67. 10., and by eight, *OCTOPHORUM*, ix. 3. 11., or *Lectica octophoros*; as the ordinary couches or sedans used in the city, or on a journey, were carried by slaves, called *LECTICARII*, *Cic. Verr.* v. 11. *Fam.* iv. 12. *Phil.* 41.

These couches were sometimes open, and sometimes covered, *Ibid.*

The general name of a bier was *FERETRUM*, *Virg. Æn.* vi. 222. xi. 64. 149. *Stat. Theb.* vi. 55. *Ovid. Met.* xiv. 747., or *CAPULUS*, vel *-um*, (*quod corpus capiat*), *Serv. in Virg.* xi. 64. *Festus*. Hence *capularis*, old, at death's door, *Plaut. Mil.* iii. 1. 34. *Capuli decus*, *Asin.* v. 2. 42. Some make *feretrum* to be the same with *lectus*; others that on which the couch was supported, *Varr. de L. L.* iv. 35.

Children who died before they were weaned, were carried to the pile by their mothers, *Stat. Sylv.* v. 5. 15. *Ovid. Her.* xv. 115.

All funerals used anciently to be solemnized in the night-time with torches, that they might not fall in the way of magistrates and priests, who were supposed to be violated by seeing a corpse, so that they could not perform sacred rites, till they were purified by an expiatory sacrifice, *Serv. in Virg. Æn.* xi. 143. *Donat. Ter. Andr.* i. 1. 81. To diminish the expense of funerals, it was thus ordained by Demetrius Phalereus at Athens, *Cic. de Legg.* ii. 26., according to an ancient law, which seems to have fallen into desuetude, *Demosth. adv. Macartatum*, p. 666. Hence *FUNUS*, a funeral, from *funes accensi*, *Isid.* xi. 2. xx. 10., or *funalia*, *funales cerei*, *cereæ faces*, vel *candelæ*, torches, candles, or tapers, originally made of small ropes or cords (*funes*, vel

*funiculi*), covered with wax or tallow (*sebum vel sebum*), Serv. *ibid.* et *Æn.* i. 727. Val. Max. iii. 6. 4. Varr. de Vit. Pop. R.

But in after ages, public funerals (*funera indictiva*) were celebrated in the day-time, at an early hour in the forenoon, as it is thought from *Plutarch. in Syll. fin.* with torches also, Serv. in *Virg. Æn.* vi. 224. *Tacit. Ann.* iii. 4. Private or ordinary funerals (*tacita*) were always at night, *Fest. in VESPILLONES*.

As torches were used both at funerals and marriages, hence *inter utramque facem*, for *inter nuptias et funus*, Propert. iv. 12. 46., *Et face pro thalami, fax mihi mortis adest*, Ovid. Ep. xxi. 172.

The order of the funeral procession was regulated, and every one's place assigned him, by a person called DESIGNATOR, an undertaker or master of ceremonies (*dominus funeris*), attended by Lictors, dressed in black, *Horat. Ep.* i. 7. 6.; *Cic. Att.* iv. 2. *Legg.* ii. 24.\*

First went musicians of various kinds: pipers (TIBICINES, *Ovid. Fast.* vi. 660., vel SITICINES†, *Gell.* xx. 2.), trumpeters, *Pers.* iii. 103., Serv. in *Virg.* xi. 192., and cornetters, *Horat. Sat.* i. 6. 43., then mourning women (PRÆFICÆ, *quæ dabant cæteris modum plangendi*), hired to lament, *Festus*; *Lucil.* 22. *Horat. Art. P.* 431., and to sing the funeral song (NÆNIA vel LESSUS), or the praises of the deceased, *Plaut. Truc.* ii. 6. 14. iv. 2. 18., to the sound of the flute, *Cic. Legg.* ii. 24. *Quinctil.* viii. 2. Boys and girls were sometimes employed for this last purpose, *Suet. Aug.* 101. As these praises were often unmerited and frivolous, hence *nugæ* is put for NÆNIÆ, *Plaut. Asin.* iv. 63., and *Lexidia, res inanes et frivolæ*, for *voces præficarum*, *Gell.* xviii. 7.

The flutes and trumpets used on this occasion were larger and longer than ordinary, *Ovid. Am.* ii. 6. 6., of a grave dismal sound, *Stat. Theb.* v. 120. By the law of the Twelve Tables, the number of players on the flute at a funeral was restricted to ten, *Cic. Legg.* ii. 24. *Ovid. Fast.* vi. 664.

Next came players and buffoons (*Ludii vel histriones et scurræ*), who danced and sung, *Dionys.* vii. 72. *Suet. Tib.* 57. One of them, called ARCHIMIMUS, supported the character (*personam agebat*) of the deceased, imitating his words and actions while alive, *Suet. Vesp.* 19. These players sometimes introduced apt sayings from dramatic writers, *Suet. Cæs.* 84.

Then followed the freedmen of the deceased, with a cap on their head (*pileati*), *Cod. de Lat. Libert.* Liv. xxxviii. 55. *Dionys.* viii. Some masters at their death freed all their slaves, from the vanity of having their funeral procession attended by a numerous train of freedmen, *Dionys.* iv. 24.

Before the corpse were carried the images of the deceased and of

\* "Of the immoderate expense occasionally attendant upon funerals, some estimate may be formed from a statement made by Pliny (xxxiii. 47.) that C. Cæcilius Claudius Isidorus left by will *undecies sestertium*, somewhat more than 9000*l.*, for this purpose; and he was a private individual." — *Encycl. Metr. art. Funeral Rites.*

† "Qui apud *sitos*, i. e. mortuos et sepultos, canere soliti erant honoris causâ cantus lamentabiles." — *Facciolati.*

his ancestors\*, *Cic. Brut.* 34. *Mil.* xiii. 32. *Horat. Ep.* viii. 11. *Val. Max.* viii. 15. 1. *Plin.* xxxv. 2., on long poles or frames, *Sil.* x. 566., in the same form and garb as when alive, *Polyb.* vi. 51, 52.; but not of such as had been condemned for any heinous crime, *Tacit. Ann.* ii. 32. iii. 76., whose images were broken, *Juvenal.* viii. 18. The *Triumviri* ordained, that the image of Cæsar, after his deification, should not be carried before the funeral of any of his relations, *Dio.* xlvii. 19. Sometimes there were a great many different couches carried before the corpse, on which, it is supposed, the images were placed, *Tacit. Ann.* xvi. 11. *Serv. in Virg. Æn.* v. 4. vi. 862. 875. After the funeral, these images were again set up in the hall, where they were kept. See p. 28.

If the deceased had distinguished himself in war, the crowns and rewards which he had received for his valour were displayed, together with the spoils and standards he had taken from the enemy, *Virg. Æn.* xi. 78. At the funerals of renowned commanders were carried images or representations of the countries they had subdued, and the cities they had taken, *Tacit. Ann.* i. 8. [ii. 41.] *Dio.* lvi. 34. lxxiv. 4. At the funeral of Sylla, above 2000 crowns are said to have been carried, which had been sent him by different cities on account of his victory, *Appian. B. C.* i. 417. The lictors attended with their fasces inverted, *Tacit. Ann.* iii. 2. Sometimes also the officers and troops, with their spears pointing to the ground, *Ibid. Virg. Æn.* xi. 92., or laid aside, *Lucan.* viii. 735.

Behind the corpse walked the friends of the deceased in mourning (*atrâ vel lugubri veste; atrati vel pullati*); his sons with their heads veiled, and his daughters with their heads bare, and their hair dishevelled, contrary to the ordinary custom of both, *Plutarch. Quest. Rom.* 14., the magistrates without their badges, and the nobility without their ornaments, *Tacit. Ann.* iii. 4.

The nearest relations sometimes tore their garments, and covered their hair with dust, *Virg. Æn.* xii. 609. *Catull.* lxii. 224., or pulled it out, *Cic. Tusc.* iii. 26. The women in particular, who attended the funeral, *Ter. And.* i. 1. 90. *Suet. Cæs.* 84., beat their breasts, tore their cheeks, &c. *Virg. Æn.* iv. 673. *Tibull.* i. 1. 68., although this was forbidden by the Twelve Tables, MULIERES GENAS NE RADUNTO, *Cic. Legg.* ii. 24. *Plin.* xxxvi. 11., i. e. UNGUIBUS NE SCINDUNTO, *Festus*.

At the funeral of an illustrious citizen, the corpse was carried through the Forum; where the procession stopped, and a funeral oration (LAUDATIO) was delivered in praise of the deceased from the *Rostra*, by his son, or by some near relation or friend, [by Nero, over his wife Poppæa, *Tac. Ann.* xvi. 6.] *Polyb.* vi. 51. *Cic. Orat.* ii. 84. *Suet. Cæs.* 84. *Aug.* 101. *Tib.* vi. *Ner.* 9.; sometimes by a magistrate, *Plin. Ep.* ii. 1., according to the appointment of the senate, *Quinctil.* iii. 7. *vel* 9.

\* "They were not carried before the deceased at funerals, as Dr. Adam erroneously states; but actors were employed to personate the individual ancestors, and these busts or images formed a part of the disguise. A Roman funeral must therefore have presented a singular appearance, with a long line of ancestors stalking gravely through the streets of the capital. The authorities on this curious point are as follows:—*Plin. H. N.* xxxv. 12. *Plaut. Amph.* i. 1. 901. *Polyb.* vi. 53. *Sueton.* p. 19. *Diod. Sic.* ii. p. 518. ed. Wess." — *Anthon on Sallust. Jug.* 4.



This custom is said to have been first introduced by Poplicola, in honour of his colleague Brutus, *Plutarch. in Popl. Dionys.* v. 17. ix. 54. It is first mentioned by Livy, ii. 47.; next, *Ib.* 61. It was an incentive to glory and virtue, but hurtful to the authenticity of historical records, *Liv.* viii. 40. *Cic. Brut.* 17.

The honour of a funeral oration was decreed by the senate also to women, for their readiness in resigning their golden ornaments to make up the sum agreed to be paid to the Gauls, as a ransom for leaving the city, *Liv.* v. 50.; or, according to Plutarch, to make the golden cup which was sent to Delphi, as a present to Apollo, in consequence of the vow of Camillus, after the taking of Veji, *Plutarch. in Camillo.*

But Cicero says, that Popilia was the first to whom this honour was paid, by her son Catulus, several ages after, *Cic. Orat.* ii. 11., and, according to Plutarch, Cæsar introduced the custom of praising young matrons, upon the death of his wife Cornelia. But after that, both young and old, married and unmarried, were honoured with funeral orations, *Suet. Jul.* 6. *Cal.* 10. *Tacit. Annal.* v. 1. xvi. 6. *Dio.* xxxix. 59. 64.

While the funeral oration was delivering, the corpse was placed before the *Rostra*. The corpse of Cæsar was placed in a gilt pavilion, like a small temple (*aurata ædes*), with the robe in which he had been slain suspended on a pole or trophy, *Suet. Cæs.* 84., and his image exposed on a moveable machine, with the marks of all the wounds he had received; for the body itself was not seen, *Appian. B. C.* ii. p. 521., but Dio says the contrary, xliv. 4.

Under Augustus it became customary to deliver more than one funeral oration in praise of the same person, and in different places, *Dio.* lv. 2.

From the Forum, the corpse was carried to the place of burning or burial, which the law of the Twelve Tables ordered to be without the city, *HOMINEM MORTUUM IN URBE NE SEPELITO, NEVE URITO*, *Cic. Legg.* ii. 23., according to the custom of other nations; the Jews, *Matth.* xxvii. 53. *John*, xix. 20. 41., the Athenians, *Cic. Fam.* iv. 12. *Liv.* xxxi. 24., and others, *Cic. Flacc.* 31. *Tusc.* v. 23. *Plutarch. in Arato.—Strab.* x.

The ancients are said to have buried their dead at their own houses, *Serv. in Virg. Æn.* v. 64. vi. 152. *Isidor.* xiv. 11., whence, according to some, the origin of idolatry, and the worship of household gods, the fear of hobgoblins, or spectres in the dark (*LARVÆ vel LEMURES*), &c. *Ibid.*—Souls separated from the body were called *LEMURES vel MANES*; if beneficent, *LARES*; if hurtful, *LARVÆ vel MANIÆ* (*ἀγαθοὶ καὶ κακοὶ δαίμονες*), *Apul. de Deo Socratis*. Augustus, in his speech to his soldiers before the battle of Actium, says that the Egyptians embalmed their dead bodies to establish an opinion of their immortality, *Dio.* l. 24. Several of these still exist, called *Mummies*, from *mum*, the Egyptian name of wax. The manner of embalming is described by Herodotus, ii. 86. The Persians also anointed the bodies of their dead with wax, to make them keep as long as possible, *Cic. Tusc.* i. 45.

The Romans prohibited burning or burying in the city, both from a sacred and civil consideration; that the priests might not be con-



taminated by seeing or touching a dead body, and that houses might not be endangered by the frequency of funeral fires, *Cic. Legg.* ii. 22., or the air infected by the stench, *Serv. in Virg. Æn.* vi. 150. *Isid.* xiv. 11.

The *flamen* of Jupiter was not allowed to touch a dead body, nor to go where there was a grave, *Gell.* x. 15.; so the high priest among the Jews, *Levit.* xxi. 11.; and if the *pontifex maximus* had to deliver a funeral oration, a veil was laid over the corpse, to keep it from his sight, *Senec. Cons. ad Marc.* 15. *Dio.* liv. 28. 35.

The places for burial were either private or public; the private in fields or gardens, usually near the highway, to be conspicuous, and to remind those who passed of mortality, *Varr. de L. L.* v. 6.\* Hence the frequent inscriptions, *SISTE VIATOR, ASPICE VIATOR, &c.* on the *via Appia, Aurelia, Flaminia, [Latina,] Tiburtina, &c.* *Liv.* vi. 36. *Suet. Cal.* 59. *Galb.* 20. *Juven.* i. ult. [See Gifford's note on this passage.] *Martial.* i. 89. 115. 117. vi. 28. x. 43. xi. 14. *Propert.* iii. 16. 30. *Nep. Att.* ult. *Plin. Ep.* vii. 29. The public places of burial for great men were commonly in the *CAMPUS MARTIUS*, *Strab.* v. *Suet. Cæs.* 84. *Cl.* 1. *Virg. Æn.* vi. 873. *Dio.* 39. 48. 53. 64. *Plutarch. in Lucullo, fin.*, or *CAMPUS ESQUILINUS*, granted by a decree of the senate, *Cic. Phil.* ix. 7., for poor people without the Esquiline gate, in places called *PUTICULÆ*, vel -i (*quod in puteos corpora mittebantur*), *Varro de L. L.* iv. 5. *Festus*; *Horat. Sat.* i. 8. 8. [*Epod.* v. 101.]

As the vast number of bones deposited in that common burying-ground rendered the places adjoining unhealthy, Augustus, with the consent of the senate and people, gave part of it to his favourite *Mæcenas*, who built there a magnificent house, (*molem propinquam nubibus arduis*, *Hor. Od.* iii. 29. 10., called *TURRIS MÆCENATIANA*, *Suet. Ner.* 38.) with extensive gardens, whence it became one of the most healthy situations in Rome, *Suet. Aug.* 72. *Tib.* 15. *Ner.* 31. [*Hor. Sat.* i. 8. 14. *Nunc licet Esquiliiis habitare salubribus.*]

There was in the corner of the burying-ground a stone pillar, *CIPPUS*, on which was marked its extent towards the road (*in fronte*), and backwards to the fields (*in agro vel -um*), *Horat. Sat.* i. 8. 12.; also who were to be buried in it.

If a burying-ground was intended for a person and his heirs, it was called *SÉPULCHRUM*, vel *MONUMENTUM HÆREDITARIUM*, which was marked in letters, thus, *H. M. H. S.* i. e. *Hoc MONUMENTUM HÆREDES SEQUITUR*; or *GENTILE* and *GENTILI-TIUM*, *Suet. Ner.* 50., *PATRIUM*, *Virg. Æn.* x. 557., *AVITUM*, *Ovid. Trist.* iv. 3. 45. *Met.* xiii. 524. If only for himself and family, *FAMILIARE*, *L. 5. D. de religio.* Freedmen were sometimes comprehended, and relations, when undeserving, excluded, *Suet. Aug.* 102.

\* "Most of the roads leading out of ancient towns are lined with tombs; and if such a spectacle can ever be said to form a pleasing view, we have an instance of it at Pompeii, where the street of the tombs is one of the most interesting objects in that extraordinary place. Near to Pozzuoli (*Puteoli*), on the *Via Campana*, we have an instance of the frequency of tombs on the roads near to cities. Going from Rome also through any of the gates at the east end of the town, we find ruins of similar edifices." — *Burton's Antiq.* i. p. 272.

The right of burying (*jus inferendi*) was sometimes purchased by those who had no burying-ground of their own.

The [emperors and] Vestal virgins were buried in the city (*quia legibus non tenebantur*), Serv. in Virg. *Æn.* ix., and some illustrious men, as *Poplicola*, *Tubertus*, and *Fabricius* (*virtutis causâ, legibus soluti*); which right their posterity retained, *Cic. Legg.* ii. 23., but did not use. To show, however, that they possessed it, when any of them died, they brought the dead body, when about to be burnt, into the *Forum*, and setting down the couch, put a burning torch under it, which they immediately removed, and carried the corpse to another place, *Plutarch. in Poplic. et Quæst. Rom.* 78. The right of making a sepulchre for himself within the pomerium was decreed to Julius Cæsar as a singular privilege, *Dio.* xlv. 7.\*

When a person was burnt and buried in the same place, it was called BUSTUM, *Festus*; whence this word is often put for a tomb (*τύμβος*), *Cic. Tusc.* v. 35. *Att.* vii. 9. *Pis.* 4. 7. *Legg.* ii. 26. A place where one was only burnt, USTRINA, vel -um, *Festus*.

The funeral pile (ROGUS, vel PYRA) was built in the form of an altar, with four equal sides, *Herodian.* iv. 2., hence called ARA SEPULCHRI, *Virg. Æn.* vi. 177. *Sil.* xv. 388., FUNERIS ARA, *Ovid. Trist.* iii. 13. 21. in *Ibin*, 102., of wood which might easily catch fire, as fir, pine, cleft oak, &c. *Virg. Æn.* iv. 504. vi. 180. *Stat. Theb.* vi. 54., unpolished, according to the law of the Twelve Tables, ROGUM ASCIA NE POLITO, *Cic. Legg.* ii. 24., but not always so, *Plin.* xxxv. 7.; also stuffed with paper and pitch, *Martial.* viii. 44. 14. x. 97., made higher or lower according to the rank of the deceased, *Lucan.* viii. 743. *Virg. Æn.* iv. 504., &c. xi. 215. (hence ROGUS PLEBEIUS, *Ovid. in Ibin*, 152.), with cypress trees set around to prevent the noisome smell, *Ibid.* and *Serv. in loc.* *Sil.* x. 535., at the distance of sixty feet from any house, *Cic. Legg.* ii. 24.

The *basilica Porcia* and senate-house adjoining, contiguous to the *Forum*, were burnt by the flames of the funeral pile of Clodius, *Ascon. in Cic. pro Milone*, *Dio.* xl. 42.

On the funeral pile was placed the corpse with the couch, *Tibull.* i. 1. 61. The eyes of the deceased were opened, *Plin.* ii. 37., to which Virgil is thought to allude, *Æn.* iv. 224.

The near relations kissed the body with tears, *Prop.* ii. 13. 29. *Tibull.* i. 1. 62., and then set fire to the pile with a lighted torch, turning away their face (*aversi*), to show that they did it with reluctance, *Virg. Æn.* vi. 223. They prayed for a wind to assist the flames, *Propert.* iv. 7. 31., as the Greeks did, *Homer. Il.* xxiii. 193., and when that happened, it was thought fortunate, *Plutarch. in Syl.*

They threw into the fire various perfumes (*odores*), incense, myrrh, cassia, &c. *Plin.* xii. 18. s. 41. *Juven.* iv. 109. *Stat. Sylv.* v. 1. 208. *Martial.* x. 26., which Cicero calls SUMPTUOSA RESPERSIO; forbidden by the Twelve Tables, *Legg.* ii. 24.; also cups of oils and dishes (*dapes* v. *fercula*), with titles marking what they contained, *Virg. Æn.*

\* "Many ancient tombs may now be observed within the walls; but they were constructed before the extension of the limits by Aurelian; and at the time of their being erected, were out of the city. Of these, the most conspicuous are the mausoleums of Augustus and Hadrian, the pyramid of C. Cestius, and the tomb of the Scipio family, which was discovered in 1780." — *Burton's Antiq.* i. p. 278.

vi. 223. *Stat. Theb.* vi. 126., likewise the clothes and ornaments, not only of the deceased, *Virg. Æn.* vi. 221. *Lucan.* ix. 175., but their own, *Tacit. Ann.* iii. 3. 2. *Suet. Jul.* 84., every thing in short that was supposed to be agreeable to the deceased while alive, *Donat. in Virg. Æn.* vi. 217. *Cæs. B. G.* vi. 17. All these were called MUNERA, *vel* DONA, *Ibid.*

If the deceased had been a soldier, they threw on the pile his arms, rewards, and spoils, *Virg. Æn.* xi. 192. *Sil.* x. 562., and if a general, the soldiers sometimes threw in their own arms, *Suet. Jul.* 84. *Lucan.* viii. 735.

At the funeral of an illustrious commander or Emperor, the soldiers made a circuit (DECURREBANT) three times round the pile, *Virg. Æn.* xi. 188. *Tacit. Ann.* ii. 7., from right to left (*orbe sinistro*), with their ensigns inverted, *Stat. Theb.* vi. 213., and striking their weapons on one another to the sound of the trumpet, *Val. Flacc.* iii. 346., all present accompanying them, as at the funeral of Sylla, *Appian. B. C.* l., of Augustus, *Dio.* lvi. 42., &c., which custom seems to have been borrowed from the Greeks, *Homer. Il.* xxiii. 13.; used also by the Carthaginians, *Liv.* xxv. 17.; sometimes performed annually at the tomb, *Suet. Claud.* 1.

As the *manes* were supposed to be delighted with blood, *Tertullian. de Spect.*, various animals, especially such as the deceased had been fond of, were slaughtered at the pile, and thrown into it, *Plin.* viii. 40. s. 61., *Virg. Æn.* xi. 197. *Homer. Il.* xviii. 166. *Plin. Ep.* iv. 2.; in ancient times, also, men, captives or slaves, *Virg. Æn.* x. 518. xi. 82. *Homer. Il.* xxi. 27., to which Cicero alludes, *Flacc.* 38. Afterwards, instead of them, gladiators, called BUSTUarii, were made to fight, *Serv. in Æn.* x. 519. *Horat. Sat.* ii. 3. 85. *Flor.* iii. 20.; so among the Gauls, slaves and clients were burnt on the piles of their masters, *Cæs. B. G.* vi. 17.; among the Indians and Thracians, wives on the piles of their husbands, *Cic. Tusc.* v. 27. *Mel. de Sit. Orb.* ii. 2. As one man had several wives, there was sometimes a contest among them about the preference, which they determined by lot, *Prop.* iii. 7. *Ælian.* 7. 18. *Serv. in Æn.* v. 95. Thus also among the Romans, friends testified their affection; as Plotinus to his patron, *Plin.* vii. 36., Plautius to his wife Orestilla, *Val. Max.* iv. 6. 3., soldiers to Otho, *Tacit. Hist.* ii. 49., Mnester, a freedman, to Agrippina, *Id. Ann.* xiv. 9., &c.

Instances are recorded of persons, who came to life again on the funeral pile, after it was set on fire: so that they could not be preserved; and of others, who, having revived before the pile was kindled, returned home on their feet, *Plin.* vii. 52. s. 53. xxvi. 3. s. 8.

The Jews, although they interred their dead (*condere, quàm cremare, e more Ægyptio*), *Tacit. Hist.* v. 5., filled the couch on which the corpse was laid with sweet odours, and divers kinds of spices, and burnt them, *2 Chron.* xvi. 14. [xxi. 19, 20.] *Jerem.* xxxiv. 5. [Compare *1 Sam.* xxxi. 12.]

When the pile was burnt down, the fire was extinguished, and the embers soaked with wine, *Virg. Æn.* vi. 226., the bones were gathered (*ossa legebantur*) by the nearest relations, *Tibull.* iii. 2. 9., with loose robes, *Ib.* & *Suet. Aug.* 101., and sometimes barefooted, *Suet. ib.*

We read also of the nearest female relations gathering the bones in

their bosom, *Tibull.* i. 3. 5. *Senec. ad Helv.* 11. *Lucan.* ix. 60., who were called FUNERÆ, vel -eæ, *Serv. in Virg. Æn.* ix. 486. \*

The ashes and bones of the deceased are thought to have been distinguished by their particular position. Some suppose the body to have been wrapt in a species of incombustible cloth, made of what the Greeks called *asbestos* (*asbestinum*, sc. *linum*), *Plin.* xix. 1. s. 4. But *Pliny* restricts this to the kings of India, where only it was then known.

The bones and ashes, besprinkled with the richest perfumes, were put into a vessel called URNA, an urn, *Cic. Tusc.* i. 15. *Ovid. Am.* iii. 9. 39. FERALIS URNA, *Tacit. Ann.* iii. 1., made of earth, brass, marble, silver, or gold, according to the wealth or rank of every one, *Prop.* ii. 13. 32. *Virg. Æn.* vi. 228. *Eutrop.* viii. 5. Sometimes also a small glass vial full of tears, called by the moderns a *Lachrymatory*, was put in the urn.

The urn was solemnly deposited (*componebatur*) in the sepulchre, (SEPULCHRUM, TUMULUS, MONUMENTUM, *sedes*, vel *domus*, CONDITORIUM, v. -*tivum*, CINERARIUM, &c.) *Propert.* ii. 24. 35. *Ovid. Fast.* v. 426. *Met.* iv. 157. Hence *componere*, to bury, *Horat. Sat.* i. 9. 28. *Tacit. Hist.* i. 47., to shut up, to end, *Virg. Æn.* i. 378., *composito die*, i. e. *finito*, *Plin. Ep.* ii. 17.

When the body was not burnt, it was put into a coffin (*arca* vel *loculus*), with all its ornaments, *Plin.* vii. 2., usually made of stone, as that of Numa, *Plin.* xiii. 13. *Val. Max.* i. 1. 12., so of Hannibal, *Aur. Vict.* iii. 42., sometimes of Assian stone, from *Assos*, or -*us*, a town in Troas or Mysia, which consumed the body in forty days, except the teeth, *Plin.* ii. 98. xxxvi. 17., hence called SARCOPHAGUS, *Ib.*, which word is put for any coffin or tomb, *Juvenal.* x. 172.

The coffin was laid in the tomb on its back: in what direction among the Romans is uncertain; but among the Athenians, looking to the west, *Ælian.* v. vii. *Plutarch. in Solon.* †

Those who died in prison were thrown out naked on the street, *Liv.* xxxvii. 59.

When the remains of the deceased were laid in the tomb, those present were three times sprinkled by a priest with pure water (*aqua pura*, vel *lustralis*), from a branch of olive or laurel (*aspergillum*), to purify them, *Serv. in Virg. Æn.* vi. 239. *Fest. in LAURUS*, *Juvenal.* ii. 158., then they were dismissed by the PRÆFICA, or some other person, pronouncing the solemn word ILICET, i. e. *ire licet*, you may depart, *Serv. ib.* At their departure, they used to take a last farewell, by repeating several times VALE, or SALVE *æternum*, *Id.* ii. 640. xi. 97., adding, NOS TE ORDINE, QUO NATURA PERMISERIT, CUNCTI SEQUEMUR, *Serv. Æn.* iii. 68., which were called VERBA NOVISSIMA; also to wish that the earth might lie light on the person buried, *Juvenal.* vii. 207., which is found marked on several ancient

\* The bones of Augustus, as a special mark of respect, according to a decree of the senate, were gathered by the priests of the highest order. — *Suet. Octav.* 150.

† “In those sepulchres which have been opened, the skeleton is always found regularly disposed, with the arms straight by the side; a vase with a narrow neck was placed upon the breast, another by each side of the head, one at the extremity of each hand, and one between the legs, making six in all. Some skeletons have been found with a cuirass on, and other armour by their side.” — *Burton's Antiq.* i. p. 274.

monuments in these letters, S. T. T. L. SIT TIBI TERRA LEVIS, *Martial.* i. 89. v. 35. ix. 30., and the grave-stone (CIPPUS), *Pers.* i. 37.; that his bones might rest quietly, or lie softly (*molliter cubarent*), *Ovid.* Am. i. 8. 108. Ep. vii. 162. *Trist.* iii. 3. 75. *Virg. Ecl.* x. 33. PLACIDE QUIESCAS, *Tacit. Agric.* 46. Hence *Compositus*, *buried*, *Ovid. Fast.* v. 426., and *positus*, *Ib.* 480. So *placidâ compostus pace quiescit*, is said of Antenor, while yet alive, *Virg. Æn.* i. 249. We find in *Ovid* the contrary of this wish, *Solliciti jaceant, terrâque premantur iniqui*, *Amor.* ii. 16. 15., as if the dead felt these things. Sometimes the bones were not deposited in the earth till three days after the body was burnt, *Virg. Æn.* xi. 210.

The friends, when they returned home, as a further purification, after being sprinkled with water, stepped over a fire, (*ignem supergrediebantur*), which was called SUFFITIO, *Festus*. The house itself also was purified, and swept with a certain kind of broom or besom (*scopæ, -arum*); which purgation was called EXVERRÆ, v. *Everræ*; and he who performed it, EVERRIATOR, *Id.* \*

There were certain ceremonies for the purification of the family, called FERIÆ DENICALES (*a nece appellatæ*), *Cic. Legg.* ii. 22., *Festus*; when they buried a thumb, or some part cut off from the body before it was burnt, or a bone brought home from the funeral pile, *Cic. ib.* 24. *Quinctil.* viii. 5. 21. *Senec. Benef.* v. 24., on which occasion a soldier might be absent from duty, *Gell.* xv. xvi. 4.

A place was held religious where a dead body, or any part of it, was buried, but not where it was burnt, *Cic. ibid.*

For nine days after the funeral, while the family was in mourning, and employed about certain solemnities at the tomb, it was unlawful to summon the heir, or any near relation of the deceased, to a court of justice, or in any other manner to molest them, *Novell.* 115. On the ninth day a sacrifice was performed, called NOVENDIALE, *Porphyrio ad Horat. Epod.* xvii. 48., with which these solemnities were concluded, *Donat. in Ter. Phorm.*

Oblations or sacrifices to the dead (INFERIÆ, *vel* PARENTALIA) were afterwards made at various times, both occasionally and at stated periods, consisting of liquors, victims and garlands, *Virg. Æn.* iii. 66. v. 77. 94. ix. 215. x. 519. *Tacit. Hist.* ii. 95. *Suet. Cal.* 3. 15. *Cl.* 11. *Ner.* 11., called FERALIA MUNERA, *Ovid. Trist.* iii. 3. 81. Thus, ALICUI INFERIAS FERRE *vel* MITTERE, *et* PARENTARE, to perform these oblations, *Cic. Legg.* ii. 21. *Phil.* i. 6. *Flacc.* 38. *Parentare regi sanguine conjuratorum*, to appease, to revenge, *Liv.* xxiv. 21.; so *Cæs. B. G.* vii. 17.; *Saguntinorum manibus vastatione Italiæ, &c. parentatum est*, an atonement was made to their ghosts, *Flor.* ii. 6.; so LITARE, *Id.* ii. 5. iii. 18. PARENTARE *proprie est* parentibus *justa facere*; *Ovid. Amor.* i. 13. 4.

The sepulchre was then bespread with flowers, and covered with

\* Fumes of sulphur thrown on a lighted torch made of the wood of the unctuous pine tree were used among the Romans, as purifying. — So *Pliny*, speaking of sulphur, “*Habet et in religionibus locum ad expiandas suffitu domos*,” xxxv. 15. In like manner a laurel-branch dipped in water. Thus, *Juvenal*, speaking of certain ghosts (*umbræ*): —

“ — Cuperent lustrari, si qua darentur

“ *Sulphura cum lædis, et si foret humida laurus.*” — *Sat.* ii. 157, 158.



crowns and fillets, *Suet. Ner.* 57. *Tac. Hist.* ii. 55. *Cic. Flacc.* 38. Before it, there was a little altar, on which libations were made, and incense burnt, *Virg. Æn.* iii. 63. 302. vi. 883. A keeper was appointed to watch the tomb, *Prop.* iii. 16. 24., which was frequently illuminated with lamps, *D.* xl. 4. 44. *Suet. Aug.* 99.

A kind of perpetual lamps are said, by several authors, to have been found in ancient tombs still burning, which, however, went out on the admission of air. But this, by others, is reckoned a fiction, *Kippingi Antiq.* iv. 6. 14. \*

A feast was generally added, called SILICERNIUM, (*cæna funebris*, quasi in *silice* posita, *Serv. in Virg. Æn.* v. 92., vel quòd *silentes*, sc. *umbræ*, eam *cernebant*, vel parentantes, qui non degustabant, *Donat. in Ter. Adelph.* iv. 2. 48.) both for the dead and the living. Certain things were laid on the tomb, commonly beans, *Plin.* xviii. 12. s. 30., lettuces, bread, and eggs, or the like, which it was supposed the ghosts would come and eat; hence CÆNA FERALIS, *Juvenal.* v. 85. What remained was burnt; for it was thought mean to take away any thing thus consecrated, or what was thrown into the funeral pile. Hence *Rapere de rogo cænam*, *Catull.* 57. 3. *Tibull.* i. 5. 53. *E flammâ cibum petere*, *Ter. Eun.* iii. 2. 38. *Bustirâpus* is applied as a name of contempt to a sordid person, *Plaut. Pseud.* i. 3. 127., and SILICERNIUM to an old man, *Ter. ibid.* [quasi ejus causâ brevi silicernium futurum sit.]

After the funeral of great men, there was not only a feast for the friends of the deceased, but also a distribution of raw meat among the people, called VISCERATIO, *Liv.* viii. 22. (see p. 278.), with shows of gladiators and games, which sometimes continued for several days, *Liv.* xxxix. 46.† Sometimes games were celebrated also on the anniversary of the funeral, *Virg. Æn.* v. 46. Faustus, the son of Sylla, exhibited a show of gladiators in honour of his father, several years after his death, and gave a feast to the people, according to his father's testament, *Cic. Syll.* 19. *Dio.* xxxvi. 51.

The time of mourning for departed friends was appointed by Numa, *Plutarch. in Num.*, as well as funeral rites (*justa funebria*), and offerings to appease the *manes* (*inferiæ ad placandos Manes*), *Liv.* i. 20. There was no limited time for men to mourn, because none was thought honourable, *Senec. Epist.* 63., as among the Germans, *Tacit.* 27. It usually did not exceed a few days, *Dio.* lvi. 43. Women mourned for a husband or parent ten months, or a year, according to the computation of Romulus (see p. 280.), but not longer, *Senec. ib. & Consol. ad Helv.* 16. *Ovid. Fast.* [i. 35.] iii. 134.

In a public mourning for any signal calamity, the death of a prince or the like, there was a total cessation from business (JUSTITIUM), [from *jus & sisto*, to stop,] either spontaneously or by public appointment, *Liv.* ix. 7. *Tacit. Ann.* ii. 82. *Lucan.* ii. 17. *Capitolin. in Antonin. Phil.* 7., when the courts of justice did not sit, the shops were shut, &c. *Tacit. Ann.* iii. 3, 4. iv. 8. *Suet. Cal.* 24. In ex-

\* See Burgess's *Antiq. of Rome*, i. 109.

† In xxviii. 22., Livy gives an account of some remarkable *Ludi Funebres* celebrated at Carthage, by Scipio, U. C. 546, in honour of his father and his uncle. At the *Ludi Funebres* of L. Æmilius Paulus (U. C. 565), was produced for the first time the *Adelphi* of Terence.



cessive grief the temples of the gods were struck with stones, (*lapidata*, i. e. *lapidibus impetita*), and their altars overturned, *Suet. Cal.* 5. *Senec. Vit. Beat.* 36. *Arrian. Epictet.* ii. 22.

Both public and private mourning was laid aside on account of the public games, *Tacit. Ann.* iii. 6. *Suet. Cal.* 6.; for certain sacred rites, as those of Ceres, &c., and for several other causes enumerated by Festus, *in voce MINUITUR*. After the battle of Cannæ, by a decree of the senate, the mourning of the matrons was limited to thirty days, *Liv.* xxii. 56. *Val. Max.* i. 1. 15. Immoderate grief was supposed to be offensive to the *Manes*, *Tibull.* i. 67. *Sat. Sylv.* v. 1. 179.

The Romans in mourning kept themselves at home, *Tacit. Ann.* iii. 3. iv. 8. *Plin. Ep.* ix. 13., avoiding every entertainment and amusement, *Cic. Att.* xii. 13, &c. *Senec. Decl.* iv. 1. *Suet. Cal.* 24. 45., [sitting instead of reclining at supper] neither cutting their hair nor beard (see p. 375.), 'dressed in black (*LUGUBRIA sumebant*), *Juvenal.* x. 245., which custom is supposed to have been borrowed from the Egyptians, *Serv. in Virg. Æn.* xi., sometimes in skins, *Festus in PELLIS*; laying aside every kind of ornament, *Liv.* ix. 7. *Suet. Aug.* 101., not even lighting a fire, *Scholiast. in Juvenal.* iii. 214. *Apul. Met.* ii., which was esteemed an ornament to the house, *Homer. Il.* 13. Hence *Focus perennis*, i. e. *sine luctu*, *Martial.* x. 47. 4. *pervigil*, *Stat. Sylv.* iv. 5. 13.

The women laid aside their gold and purple, *Liv.* xxxiv. 7. *Ter. Heaut.* ii. 3. 45. Under the republic they dressed in black like the men; but under the emperors, when party-coloured clothes came in fashion, they wore white in mourning, *Plutarch. Probl.* 27. *Herodian.* iv. 2. 6.

In a public mourning, the senators laid aside their *latus clavus* and rings, *Liv.* ix. 7.; the magistrates the badges of their office, *Cic. post Red. in Sen.* 5. *Tacit. Ann.* iii. 4. *Lucan.* ii. 18.; and the consuls did not sit on their usual seats in the senate, which were elevated above the rest, but on a common bench (*sede vulgari*), *Tacit. Ann.* iv. 8. *Dio.* lvi. 31. Dio says, that the senators in great mourning appeared in the dress of the *Equites*, xl. 46.

The Romans commonly built tombs (*sepulchra* v. *conditoria*) for themselves during their lifetime, *Senec. Brev. Vit.* 20.; thus the MAUSOLEUM (*μαυσολεῖον*) of Augustus in the *Campus Martius*, between the *via Flaminia* and the bank of the Tiber, with woods and walks around, *Suet. Aug.* 101. *Strab.* v. p. 236. \* Hence these

\* "The body of Marcellus, the nephew of Augustus, was the first deposited here: he died A. C. 22; and Virgil, who has so pathetically described his death, makes allusion also to this mausoleum, *Æn.* vi. 873.

Quantos ille virûm magnam Mavortis ad urbem  
Campus aget gemitus, vel quæ, Tiberine, videbis  
Funera, cum tumulum præterlabere recentem."

Burton's Antiq. i. p. 290.

"Strabo represents it as a pendent garden raised on lofty arches of white stone, planted with evergreen shrubs, and terminating in a point crowned with the statue of Augustus. In the vault beneath lay the remains of the emperor and of his family; at the entrance stood two Egyptian obelisks; round, arose an extensive grove cut into walks and alleys. Of this monument, the two inner walls which supported the whole mass, and the spacious vaults under which reposed the imperial

words frequently occur in ancient inscriptions, V. F., VIVUS FECIT; V. F. C., VIVUS FACIENDUM CURAVIT; V. S. P., VIVUS SIBI POSUIT; also SE VIVO FECIT. If they did not live to finish them, it was done by their heirs, *Suet. Aug.* 101., who were often ordered by the testament to build a tomb, *Hor. Sat.* ii. 3. 84. 5. 105. *Plin. Ep.* vi. 10., and sometimes did it at their own expense (DE SUO *vel* DE SUA PECUNIA). Pliny complains bitterly of the neglect of friends in this respect, *Ibid.*

The Romans erected tombs either for themselves alone, with their wives (SEPULCHRA PRIVA, *vel* SINGULARIA), or for themselves, their family, and posterity (COMMUNIA), *Cic. Off.* i. 17., FAMILIARIA *et* HÆREDITARIA, *Martial.* i. 117. *Cod.* 13.; likewise for their friends who were buried elsewhere, or whose bodies could not be found, (CENOTAPHION, *vel* TUMULUS HONORARIUS, *Suet. Cl.* 1. *vel* INANIS, *Virg. Æn.* iii. 304. *Horat. Od.* ii. 20, 21.) *Tacit. Ann.* i. 62. When a person falsely reported to have been dead returned home, he did not enter his house by the door, but was let down from the roof (*quasi cœlitus missus*), *Plutarch. Q. Rom.* 5.

The tombs of the rich were commonly built of marble, *Cic. Fam.* iv. 12. *Tibull.* iii. 2. 22., the ground enclosed with a wall (*macerid*), *Suet. Ner.* 33. 50., or an iron rail (*ferred sepe*), *Strab.* v. p. 236., and planted around with trees, *Martial.* i. 89. 3., as among the Greeks *Pausan.* ii. 15.

When several different persons had a right to the same burying-ground, it was sometimes divided into parts, and each part assigned to its proper owner.

But common sepulchres were usually built below ground, and called HYPOGÆA, *Petron.* 71., many of which still exist in different parts of Italy, under the name of *catacombs*. There were niches cut out in the walls, in which the urns were placed; these, from their resemblance to the niches in a pigeon-house, were called COLUMBARIA.

Sepulchres were adorned with various figures in sculpture, which are still to be seen, *Cic. Tusc. Q.* v. 23. *Virg. Æn.* vi. 233., with statues, *Liv.* xxxviii. 56., columns, &c.

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ashes, still remain; a work of great solidity and elevation. The emperor Hadrian, who delighted in architecture and magnificence, determined to rival, or more probably to surpass, the splendour of Augustus's tomb, and erected a mausoleum which, from its size and solidity, was called *Moles Hadriani*. As the Campus Martius was already crowned with tombs, temples, and theatres, he selected for its site a spot on the opposite bank of the river, at the foot of the Vatican Mount; where on a vast quadrangular platform of solid stone he raised a lofty circular edifice, surrounded by a Corinthian portico, supported by twenty-four pillars of a beautiful kind of white marble tinged with purple. The tholus, or continuation of the inner wall, formed a second story adorned with Ionic pilasters; a dome surmounted by a cone of brass crowned the whole fabric, and gave to it the appearance of a most majestic temple. To increase its splendour, four statues occupied the four corners of the platform; twenty-four adorned the portico, and occupied the intervals between the columns; an equal number rose above the entablature; and a proportional series occupied the niches of the second story between the pilasters. It is superfluous to observe, that the whole fabric was cased with marble, or that the statues were the works of the best masters; and it is almost unnecessary to add, that this monument was considered as the noblest sepulchral edifice ever erected, and one of the proudest ornaments of Rome, even when she shone in all her imperial magnificence." — *Eustace's Class. Tour*, ii. p. 15. 17.

But what deserves particular attention, is the inscription or epitaph (TITULUS, ἐπιγραφή, EPITAPHIUM vel ELOGIUM), expressed sometimes in prose, and sometimes in verse, *Ovid. Her.* xiv. 128. *Martial.* x. 71. *Cic. Tusc.* i. 14. *Arch.* 11. *Fin.* ii. 35. *Pis.* 29. *Senec.* 17. 20. *Virg. Ecl.* v. 43. *Suet. Cl.* 12. *Plin. Ep.* ix. 20. *Sil.* xv. 44., usually beginning with these letters, D. M. S., DIS MANIBUS SACRUM, *Prudent. Symmach.* i. 402. *Gell.* x. 18., vel MEMORIÆ, *Suet. Vit.* 10.; then the name of the person followed, his character, and the principal circumstances of his life. Often these words are used, HIC SITUS EST vel JACET, *Ovid. Met.* ii. 327. *Fast.* iii. 3. 373. *Tibull.* i. 3. 55. iii. 2. 29. *Martial.* vi. 52. *Virg. Æn.* vii. 3. *Plin. Ep.* vi. 10. *Senec. Ep.* 78. If he had lived happily in marriage, thus, SINE QUERELA, SINE JURGIO, vel *offensâ*, vel *discordiâ*, *Plin. Ep.* viii. 5.

When a body was simply interred without a tomb, an inscription was sometimes put on the stone coffin, as on that of Numa, *Liv.* xl. 29.

There was an action for violating the tombs of the dead, (SEPULCHRI VIOLATI ACTIO), *Cic. Tusc.* i. 12. *Senec. Contr.* iv. 4. The punishment was a fine, the loss of a hand (*manûs amputatio*), working in the mines (*damnatio ad metallum*), banishment or death.

A tomb was violated by demolition, by converting it to improper purposes, or by burying in it those who were not entitled, *alienos inferendo*, *Cic. Legg.* ii. 26. *D. de Sep. viol.* 47. 12. Tombs often served as lurking-places for the persecuted Christians, *Chrysost. Hom.* 40., and others, *Martial.* i. 35. iii. 92. 15.

The body was violated by handling, *l.* 4. *C. de Sep. viol.* ix. 19., or mutilating it, which was sometimes done for magical purposes, *Quinctil. Decl.* 15. *Apul. Met.* ii. *Tacit. Ann.* ii. 69., by stripping it of any thing valuable, as *gold, arms, &c.*, *Ib. & Phædr.* i. 27. 3., or by transporting it to another place without leave obtained from the *Pontifex Maximus*, from the emperor, or the magistrate of the place, *Dig. & Cod. Plin. Ep.* x. 73, 74.

Some consecrated temples to the memory of their friends, as Cicero proposed to his daughter Tullia; which design he frequently mentions in his letters to Atticus, xii. 18, 19. 35, 36. 41. 43. &c. *Lactant.* i. 15. This was a very ancient custom, *Plin.* 27., and probably the origin of idolatry, *Wisdom.* xiv. 15.

The highest honours were decreed to illustrious persons after death, *Minuc. Felix in Octav.* The Romans worshipped their founder Romulus as a god, under the name of Quirinus, *Liv.* i. 16. Hence, afterwards, the solemn CONSECRATION (ἀποθέωσις) of the emperors, by a decree of the senate [conferring on them the title *Divus*], *Herodian.* iv. 2., who were thus said to be ranked in the number of the gods, (*in deorum numerum, inter vel in deos referri*, *Suet. Cæs.* 88., *cælo dicari*, *Plin. Pan.* 11. &c.) also some empresses, *Suet. Cl.* 11. *Tacit. Ann.* v. 2. xvi. 21. Temples and priests were assigned to them. They were invoked with prayers, *Virg. G.* i. 42. Men swore by their name or genius, and offered victims on their altars, *Horat. Ep.* ii. 1. 16.

The real body was burnt, and the remains buried in the usual manner. But a waxen image of the deceased was made to the life; which, after a variety of ridiculous ceremonies paid to it for seven days

in the palace, was carried on a couch in solemn procession, on the shoulders of young men of equestrian and patrician rank [through the *Via Sacra*], first to the *Forum*, where the dirge was sung by a choir of boys and girls of the most noble descent; then to the *Campus Martius*, where it was burnt, with a vast quantity of the richest odours and perfumes, on a lofty and magnificent pile; from the top of which an eagle let loose was supposed to convey the prince's soul to heaven, *Herodian*. iv. 3.

### ROMAN WEIGHTS AND COINS.

THE principal Roman weight was AS or *libra*, a pound, which was divided into twelve parts or ounces (UNCIAE). Thus, *uncia*, an ounce, or  $\frac{1}{12}$  of an *as*; *sextans*, 2 ounces, or  $\frac{2}{12}$ ; *quadrans*, 3,  $\frac{3}{12}$ , or  $\frac{1}{4}$ ; *triens*, 4,  $\frac{4}{12}$ , or  $\frac{1}{3}$ ; *quincunx*\*, 5, or  $\frac{5}{12}$ ; *semis* [or *semissis*, quasi *semiassis*], 6,  $\frac{6}{12}$ , or  $\frac{1}{2}$ ; *septunx*, 7, or  $\frac{7}{12}$ ; *bes*, or *bessis*, 8,  $\frac{8}{12}$ , or  $\frac{2}{3}$ ; *dodrans*, 9,  $\frac{9}{12}$ , or  $\frac{3}{4}$ ; *dextans*, or *decunx*, 10,  $\frac{10}{12}$ , or  $\frac{5}{6}$ ; *deunx*, 11 ounces, or  $\frac{11}{12}$  of an *as*.

The UNCIA was also divided thus: *Semuncia*,  $\frac{1}{2}$ , the half of an ounce, or  $\frac{1}{24}$  of an *as*; *duella*,  $\frac{1}{3}$ ; *sicilicus*, vel *-um*,  $\frac{1}{4}$ ; *sextula*,  $\frac{1}{6}$ ; *drachma*,  $\frac{1}{8}$ ; *hemisescla*, i. e. *semisextula*,  $\frac{1}{12}$ ; *tremissis*, *scrupulus*, *scriptulum* vel *scripulum*,  $\frac{1}{24}$  of an ounce, or  $\frac{1}{48}$  of an *as*, Varro L. L. iv. 36.

AS was applied to any thing divided into twelve parts; as an inheritance (see p. 59.), an acre, *Liv*. viii. 11., liquid measure (see p. 401.), or the interest of money, &c. Hence, probably, our word *ace*, or unit.

The Roman pound was equal to 10 ounces, 18 pennyweights, 13½ grains of English *Troy* weight, or nearly 12 ounces *Avoirdupoise*.

The Greek weights, mentioned by Roman authors, are chiefly the *talent*, divided into 60 *minæ*, and the *mina* into 100 *drachmæ*. The *mina* was nearly equal to the Roman *libra*.

The English TROY weight, by which silver and gold are weighed, is as follows: 24 grains, 1 penny-weight: 20 pwts. 1 ounce; 12 oz. 1 pound. But *Apothecaries*, in compounding medicines, make 20 grains 1 scruple; 3 sc. 1 drachm; 8 dr. 1 ounce; 12 oz. 1 pound; *Avoirdupoise* weight, by which larger and coarser commodities are weighed, 16 drams, 1 oz.; 16 oz. 1 pound.

The Romans, like other ancient nations, *Strab*. iii. 155., at first had no coined money (*pecunia signata*), [Hor. A. P. 59.] but either exchanged commodities with one another, or used a certain weight of uncoined brass (*ÆS RUDE*), or other metal. Hence the various names of money also denote weight; so *pendere* for *solvere*, to pay; *stipendium* (*a stipe pendenda*), soldiers' pay, *Festus*, because at first it was weighed, and not counted. Thus, *talentum* and *mina* among the Greeks, *shekel* among the Hebrews, and *pound* among us.

Several Greek words are supposed to allude to the original custom

\* " — Dicas,

Filius Albini, si de *quincunce* remota est

Uncia, quid superet: poterat dixisse, *Triens*? Eu!

Rem poteris servare tuam: redit uncia: quid fit?

*Semis*." — Hor. Art. Poet. 326.

of exchanging commodities : thus, ἀρνύμαι, to purchase or exchange by giving a lamb (ἄρς, ἀρνός, *agnus*) ; ἀνέομαι, by giving an ass (ὄνος, *asinus*) ; πωλέω, by giving a foal, πῶλος (*equuleus*), or the young of any animal.

Servius Tullius first stamped pieces of brass with the image of cattle, oxen, swine, &c. (PECUDES), whence PECUNIA, money, *Ovid. Fast.* v. 281. (*Servius rex ovium boumque effigie primus æs signavit*, *Plin.* xxxiii. 13. *Æs pecore notavit*, *Varro, R. R.* ii. 1. *Plutarch. Q. Rom.* 40.) Silver was first coined A. U. 484, five years before the first Punic war, or, according to others, A. U. 498 ; and gold sixty-two years after, *Plin.* xxxiii. 3. 40. *Liv. Ep.* xv. Silver coins, however, seem to have been in use at Rome before that time, but of foreign coinage, *Liv.* viii. 11. The Roman coins were then only of brass.\*

Hence ÆS, or æra, plur., is put for money in general, *Horat. A. P.* 345. *Ep.* i. 7. 23. *Aureos nummos æs dicimus*, *Ulpian.* *Ære mutare*, to buy or sell ; *æs alienum*, debt ; *annua æra*, yearly pay, *Liv.* v. 4. ; *ærarium*, the treasury ; *æs militare*, money for paying the soldiers, given from the treasury to the Quæstor by the *Tribuni ærarii*, *Ascon. et Fest.* or by them to the soldiers, *Varro, L. L.* iv. 36. *Homo æratus*, a monied man, *Plaut. Most.* iv. 2. 9., as some read the passage. So *tribuni non tam ærati*, i. e. bene nummati, *quàm ut appellantur, ærarii*, i. e. ære corrupti, vel, in *ærarios* aut *Cærites referendi*, *Cic. Att.* i. 16. (See p. 116.) *Æra vetusta*, i. e. *prisca moneta*, ancient money, *Ovid. Fast.* i. 220., but *æra vetera*, old crimes or debts, *Cic. Verr.* v. 13. *Æruscare* vel *æsculari*, to get money by any means, *Fest. et Senec. de Clem.* ii. 6. *Æruscator* vel *æsculator*, a low beggarly fellow, a fortune-teller, or the like, *Gell.* ix. 2. xiv. 1. : *obærat*, oppressed with debt, a debtor, *Liv.* xxvi. 40. *Cæs. B. G.* i. 3. *Tacit. Ann.* vi. 7. *In meo ære est*, i. e. *in bonis meis* vel *in meo censu*, he is mine, my friend, *Cic. Fam.* xiii. 62. xv. 14.† ; *æs circumforaneum*, money borrowed from bankers (*argentarii*), who had shops in porticoes round the Forum, *Cic. Att.* ii. 1.

Money was likewise called STIPS (*a stipando*), from being crammed in a cell, that it might occupy less room, *Varr. L. L.* iv. 36. But this word is usually put for a small coin, as we say a penny, or far-

\* “ It was a remarkable and very distinguishing peculiarity of the nations in the middle of Italy, to employ copper in heavy masses as a currency, not silver : whereas the southern provinces and the coast as far as Campania, made use of silver money. I give the name of copper money to what in reality is bronze ; copper rendered fusible by an admixture of tin or zinc. How very general the use of this metal was, is proved by the armour of the Servian legion. Even in late times, perhaps in those of Timæus (B. C. 251), the Ligurians, poor as they were, had shields of brass. Indeed, foreign merchant vessels in the Homeric age bring iron to Italy, to obtain a cargo of copper (*Od. A.* 184.). The copper-mines of Tuscany, especially in the country about Volterra, may once have been immensely productive ; to this was added the produce of the mines in Cyprus, ascertained to have been enormous ; the influx of which into Italy is attested by the Latin name for copper (*cuprum*). The dependence of that island upon the Phœnicians in very remote times opened a way for this to the Punic marts ; and Carthaginian vessels must have brought it into Italy. The heavy copper money was piled up in rooms ; and it is recorded, that during the Veientine war, individuals sent the tribute due from them to the state in waggon-loads to the treasury, *Liv.* iv. 60.” — *Nirb.* i. pp. 396. 398, 399. See *Crombie's G.* ii. p. 121.

† *Hor. Epist.* ii. 2. 12., *meo sum pauper in ære*, I am poor, but owe nothing.



thing, offered to the gods at games or the like, *Cic. Legg. ii. 16. Liv. xxv. 12. Tacit. Ann. xiv. 15. [Hist. iv. 53.] Suet. Aug. 57.*, or given as an alms to a beggar, *Id. 91.*, or to any one as a new year's gift (*STRENA*), *Id. Cal. 42. [Ovid. F. i. 189.]*, or by way of contribution for any public purpose, *Plin. xxxiii. 10. s. 48. xxxiv. 5.*

The first brass coin (*NUMMUS* vel *numus æris*, a *Numa rege* [*Plin. xxxiv. 1.*] vel a *νόμος, lex*) was called AS, anciently *assis* (from *æs*) of a pound weight (*libralis*). The highest valuation of fortune (*census maximus*) under Servius, was 100,000 pounds weight of brass (*centum millia æris*, sc. *assium*, vel *librarum*), *Liv. i. 43.*

The other brass coins, besides the *as*, were *semisses*, *trientes*, *quadrantes*, and *sextantes*. The *quadrans* is also called *TERUNCIVS*, *Cic. Fam. ii. 17. Att. v. 20. (a tribus unciiis)*, *Plin. xxxiii. 3. s. 13.*

These coins at first had the full weight which their names imported, hence in later times called ÆS GRAVE, *Plin. xxxiii. 3. s. 13.\**

\* When the *As* was diminished in weight, the term "*Æs grave*" was introduced for the sake of distinguishing the ancient or *librales asses* from the modern. Before that time, the term was not necessary. Thus, in one of the laws of the Twelve Tables, quoted by Gellius *xx. c. 1.*, we read: — "*Viginti quinque æris pœnæ sunt*," without any addition of *gravis*. It is evident, however, that after the diminution of the *asses*, sums of money are sometimes calculated and expressed in the *Æs grave*. In proof of this we may cite *Liv. xxii. 33. and xxxii. 26.*, and also the passage produced by Salmasius (*de modo Usurarum*, p. 237.) out of the *Lintei libri*, where are mentioned *Ætolorum legatis lautia data, et ducenta, sive potius bina millia æris gravis in singulos*. There must have been some difference betwixt the value of the *Æs grave* and the modern *asses*, or otherwise the term would be useless. We agree with Perizonius, who suspects that the Romans, through attachment to ancient usage, retained the ancient method of computing money in public transactions, such as estimating the property of citizens — in gifts or donations decreed by the senate — in computing the quantity of money exhibited in a triumph — so that the *Æs grave* is far more frequently understood than expressed in ancient writers.

What value then must be attached to the *Æs grave* in computations of this kind, or what relation did it bear to the modern *asses*, and to silver? It cannot be that the value of the *Æs grave* increased in proportion to the diminution of the *asses* — so that *ten* (*æris gravis*) would be equal to *sixty sextantarii* or *120 unciales asses*, because the *sextantarius* and the *uncialis* were respectively  $\frac{1}{8}$  and  $\frac{1}{16}$  of the *librales asses* (i. e. *Æs Grave*) in weight. A single passage will be sufficient to prove this. *Livy xxxiv. 11.* (when the *asses* were *unciales*) in speaking of the number of rowers which each must supply, according to the valuation of his property, thus concludes the enumeration: — *Qui supra decies æris, septem; senatores, octo navas cum stipendio darent*. That the *Æs grave* is here meant there can be but little doubt, because he is treating of the valuation of the property of the citizens; and *decies* is equal to *decies centena millia*, as is manifest from the antecedent numbers. If, therefore, a pound (*Æris gravis*) is valued at twelve *unciales*: — *decies æris* will be equal to twelve million of *unciales* and three million of *sestertii*, which is false and absurd, not only on account of the poverty of the Romans at that time, but because, in the most flourishing times of the republic, the *senatorius census*, according to Suetonius (in *Augusto*, c. 41.), was fixed at 800,000 *sestertii*, and advanced at last by Augustus to a million or 1,200,000 of the same denomination.

The *Æs grave*, therefore, retained its ancient relation to silver. This opinion is confirmed by Plutarch, who, in the censorship of Cato, estimates that sum of money which in *Livy* (*xxxix. 44.*) is *quindecim millium æris* (i. e. *gravis*), at 1500 *drachmæ*. As a *denarius* is equal to a *drachma*, it is clear that Plutarch reckons *decem æris* equal to a *denarius*; and this was always the case. When the *unciales* were struck, and the relation of the *asses* to the *denarius* was altered, it was then that the Romans first began to make use of the term *æs grave* in their computations. It was not, therefore, a coin, or any certain weight of brass, but a mere appellation, such as a



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But the weight of the silver money also varied, and was different under the emperors from what it had been under the republic.

Varro mentions silver coins of less value; LIBELLA, worth an *as*, or the tenth part of a *denarius*; SEMBELLA (quasi *semilibella*), worth half a pound of brass, or the twentieth part of a *denarius*; and TERUNCIVS, the fortieth part of a *denarius*, Varro de Ling. Lat. iv. 36. But Cicero puts the *libella* for the smallest silver coin, *Verr.* ii. 10. *Rosc. C.* 4., as well as the *teruncius*, *Fin.* iii. 14. *Att.* v. 20. *Fam.* ii. 17.; this, however, he does only proverbially; as we may say, a penny or a farthing.

A golden coin was first struck at Rome in [the thirteenth year of] the second Punic war, in the consulship of C. Claudius Nero and M. Livius Salinator, A. U. 546; called AUREUS, or *aureus nummus*, equal in weight to two *denarii* and a *quinarius*, and in value to twenty-five *denarii*, or 100 *sestertii*, *Suet. Oth.* 4. *Tacit. Hist.* i. 24. Hence the fee allowed to be taken by a lawyer is called by Tacitus *dena sestertia*, *Ann.* xi. 7.; by Pliny, *decem millia*, sc. H. S., *Ep.* v. 21.; and by Ulpian, CENTUM AUREI, D. 1. 12. *de extr. cognit.* (see p. 167.). all of which were equivalent.

The common rate of gold to silver under the republic was tenfold (*ut pro argenteis decem aureus unus valeret*), *Liv.* xxxviii. 11. But Julius Cæsar got so much gold by plundering, that he exchanged it (*promercale divenderet*) for 3000 *sestertii*, or 750 *denarii*, the pound, i. e. a pound of gold for 7½ pounds of silver, *Suet. Cæs.* 54.†

The *aureus* in later ages was called SOLIDUS, but then greatly inferior, both in weight and beauty, to the golden coins struck under the republic and first emperors, *Lamprid. in Alex.* 39.

At first forty *aurei* were made from a pound of gold, with much the same images as the silver coins. But under the late emperors they were mixed with alloy; and thus their intrinsic value was diminished. Hence a different number of *aurei* were made from a pound of gold at different times; under Nero, 45, *Plin.* xxxiii. 3., but under Constantine, 72.

The emperors usually impressed on their coins their own image, *Juvenal.* xiv. 291. This was first done by Julius Cæsar, according to the decree of the senate, *Dio.* xliv. 4.

The essay or trial of gold was called OBRUSSA, *Plin.* xxxiii. 3. *Cic. Brut.* 74. *Senec. Ep.* 13. s. 19., hence *aurum ad obrussam*, sc.

\* See Crombie's *Gymn.* ii. p. 125. Nieb. ii. 439.

† "Spain yielded an abundant supply of the precious metals, which her quicksilver served to refine. Asturia, Gallicia, and Lusitania yielded about 20,000 lbs. of gold yearly, *Plin. H. N.* xxxiii. 4. *Argentum reperitur omnibus fere provinciis, sed in Hispaniâ pulcherrimum*, *Ib.* c. 6. Some silver mines opened there by Hannibal yielded 300 lbs. a day. Strabo says (*Geog.* p. 194.), that neither gold, silver, copper, nor iron were found in such quantity, or so excellent, in any part of the known world, as in Turdetania." — *Prof. Anstice's Prize Essay*, p. 11.



*exactum*, the purest gold, *Suet. Ner.* 44. ARGENTUM PUSTULATUM, the finest silver, *Ibid. Martial.* vii. 85., vel *purum putum*, *Gell.* vi. 5., ARGENTUM *infectum*, vel *rude*, bullion, unwrought or uncoined silver; *factum*, plate; *signatum*, coined silver, *Liv.* xxvii. 18. xxxiv. 52., NUMMUS *asper*, new-coined, *Suet. ib. Senec. Ep.* 19., *vetus* vel *tritus*, old, &c.

Some coins were indented (*serrati*), *Tacit. de Mor. German.* 5.

Besides the ordinary coins, there were various medals struck to commemorate important events, properly called MEDALLIONS; for what we commonly term *Roman medals*, were their current money. When an action deserved to be recorded on a coin, it was stamped and issued out of the mint.\*

Money was coined in the temple of *Juno MONETA*; whence *money*. The consuls at first are thought to have had the charge of it. But particular officers were afterwards created for that purpose. See p. 133.

There are several Grecian coins mentioned by Roman writers, some of them equal to Roman coins, and some not; DRACHMA, equal to a *denarius*; but some make it to be as nine to eight; MINA, equal to 100 *drachmæ*, or to a Roman *libra* or pound of silver, *Plin.* xxi. 34.; TALENTUM, equal to sixty *minæ*, or Roman pounds; TETRA-DRACHMA vel *-um*, equal to four *drachmæ* or *denarii*, as its name imports, *Liv.* xxxvi. 46. *Cic. Fam.* xii. 13.; but Livy, according to the common reading, makes it three *denarii*, xxxiv. 52.; OBOLUS, the sixth part of a *denarius* or *drachma*, *Plin.* xxi. 34.

### METHOD OF COMPUTING MONEY.

THE Romans usually computed sums of money by SESTERTII or SESTERTIA. *Sestertium* is the name of a sum, not of a coin.

When a numeral noun is joined with *sestertii*, it means just so many sesterces; thus, *decem sestertii*, ten sesterces: but when it is joined with *sestertia*, it means so many thousand *sestertii*; thus, *decem sestertia*, ten thousand sesterces.

SESTERTIUM, *Mille sestertii, mille nummi* v. *sestertii nummi*; *mille sestertiûm, mille nummûm* vel *sestertiûm, nummûm mille*; *H. S.* vel *H.S.* 2500 *æris*, sc. *asses*; 250 *denarii* vel *drachmæ* denote the same sum.

When a numeral adverb is joined to *sestertium*, it means so many hundred thousand *sestertii*; thus *quadragies sestertium* is the same with *quadragies centena millia sestertiorum nummorum*, or *quater millies mille sestertii*, four millions of *sestertii*. Sometimes the adverb stands by itself, and denotes the same thing; thus, *decies, vicies* vel *vigesies*, sc. *sestertium*; expressed more fully, *decies centena*, sc. *millia sestertiûm*; *Horat. Sat.* i. 3. 15. *Juvenal.* x. 335., and completely, *Cic. Verr.* i. 10. and *ib.* iii. 70. So also in sums of brass, *decies æris*,

\* "The allegorical personifications of towns and countries on coins appear to have originated with the Romans. Rome herself was so represented during the commonwealth, and is said to have been the first instance of a city thus portrayed. Under the emperors, the figures emblematical of the different provinces gave considerable liveliness to the symbols. Among the most remarkable of these, are the captive daughter of Jerusalem, seated under a palm-tree; and the figure of Britannia, to which we owe the idea of that on our own copper coinage. See Pinkerton's *Essay on Medals*, and *Encyc. Metrop. art. Numismatics.*" — *Anstic's Essay*, p. 52. note.

sc. *centena millia assium*, Liv. xxlv. 11. For when we say *deni æris*, *centum æris*, &c. *asses* is always to be supplied.\*

When the sums are marked by letters, if the letters have a line over them, *centena millia* is understood, as in the case of the numeral adverbs; thus, H. S.  $\overline{\text{M. C.}}$  signifies the same with *millies centies*, i. e. 110,000,000 *sestertii* or *nummi*, £888,020 : 16 : 8, whereas H. S. M. C. without the cross line, denotes only 1100 *sestertii*, £8 : 17 : 7½.

When the numbers are distinguished by two points in two or three orders, the first towards the right hand signifies units, the second thousands, and the third hundred thousands; thus, III. XII. DC. HS. denotes 300,000, 12,000, and 600 H. S., in all making 312,600 *sestertii*, £5047 : 3 : 9.

Pliny says, xxxiii. 3., that seven years before the first Punic war, there was in the Roman treasury *auri pondo XVI. DCCCX.*, *argenti pondo XXII. LXX.*, *et in numerato, LXII. LXXV. CCCC.*, that is, 16,810 pounds of gold, 22,070 pounds of silver, and in ready money, 6,275,400 *sestertii*, £50,741 : 10 : 2½. But these sums are otherwise marked thus, *auri pondo XVI. M. DCCCX.*, *argenti XXII. M. LXX.*, *et in numerato LXII. LXXV. M. CCCC.*†

When *sestertium* neut. is used, *pondo* is understood, that is, two pounds and a half of silver, or a thousand *sestertii*, Liv. xxii. 23.

When H. S. or *sestertium* is put after *decem millia* or the like, it is in the genitive plural for *sestertiorum*, and stands for so many *sestertii*, which may be otherwise expressed by *decem sestertia*, &c. But *sestertium*, when joined with *decies* or the like, is in the nominative or accusative singular, and is a compendious way of expressing *decies centies sestertium*, i. e. *decies centum vel decies centena millia sestertiūm v. sestertiorum*. ["Hor. Sat. i. 3. 15., *decies centena* dedisses Huic parco : ii. 3. 237. *Sume tibi decies.*" — T.]

The Romans sometimes expressed sums by talents; thus, *decem millia talentūm*, and *sestertium bis millies et quadringenties* are equivalent, Cic. Rabir. Post. 8. So 100 talents and 600,000 *denarii*, Liv. xxxiv. 50. — or by pounds, *LIBRÆ pondo*, i. e. *pondere* in the ablative, for these words are often joined, as we say *pounds in weight*, and when *PONDO* is put by itself as an indeclinable noun, for a *pound* or *pounds*, it is supposed even then, by the best critics, to be in the ablative, and to have *libra* or *libræ* understood. (See Gronovius de Pec. vet.) Plaut. Pseud. iii. 2. 27. Rud. iv. 2. 9. Men. iii. 3. 3. 18. Macrob. Sat. iii. 15. Columel. xii. 20, 28. Liv. iii. 29. iv. 20. xxii. 23. xxvi. 47. Gell. ii. 24. xx. 1. Cic. Cluent. 64. Invent. ii. 40. Parad. iii. 1.

The Roman *libra* contained twelve ounces of silver, and was worth about £3 sterling; the *talent*, [equal to twenty-four *sestertia*,] nearly £193.

But the common computation was by *sestertii* or *nummi*.

\* "These three combinations were distinguished in writing; H. S. X. was *decem sestertii*; H. S.  $\overline{\text{X.}}$  *decem sestertia*;  $\overline{\text{H. S. X.}}$  *decies sestertium*. But the distinction was not always observed, if our present MSS. of the classics are correct. Vid. Ascon. Ped. Cic. Verr. 1. extr." — Zumpt's Lat. Gr.

† In the inscription on the Duilian column, ⊕ is the mark for 1000; which explains why D, the half of that figure, should denote 500. — See Burton's Antiq. i. p. 150.

A SESTERTIUS is reckoned to have been worth of our money one penny  $3\frac{1}{2}$  farthings: a QUINARIUS or *victoriatu*s 3d.  $3\frac{1}{2}$ q.; a DENARIUS, 7d. 3q.; the AUREUS, or gold coin, 16s.  $1\frac{1}{2}$ d.; a SESTERTIUM, or a thousand *sestertii*, £8: 1:  $5\frac{1}{4}$ , — ten *sestertii*, 1s. 7d.  $1\frac{1}{2}$ q. — a hundred *sestertii*, 16s. 1d. 3q. — ten *sestertia*, or 10,000 *sestertii*, £80: 14: 7, — a hundred *sestertia*, vel *decies sestertium*, vel *decies centena millia nummum*, v. *sestertiūm*, or 100,000 *sestertii*, £8,072: 8: 4, — *Centies*, vel *Centies H. S.* £80,729: 3: 4, — *Millies H. S.* £807,291: 13: 4, — *Millies Centies H. S.* £888,020: 16: 8, &c. Hence we may form some notion of certain instances on record of Roman wealth and luxury.

Crassus is said to have possessed in lands *bis millies*, i. e. £1,614,583: 6: 8, besides money, slaves, and household furniture, *Plin.* xxxiii. 10. s. 47., which may be estimated at as much more (*alterum tantum*). In the opinion of Crassus, no one deserved to be called rich who could not maintain an army, *Cic. Off.* i. 8. or a legion, *Plin.* xxxiii. 10. — Seneca, *ter millies*, £2,421,875, *Tacit. Ann.* xiii. 42. — Pallas, the freedman of Claudius, an equal sum, *Id.* xii. 53. — Lentulus the augur, *quater millies*, £3,229,166: 13: 4, *Senec. de Benef.* ii. 27. — C. Cæcilius Claudius Isidorus, although he had lost a great part of his fortune in the civil war, left by his will 4,116 slaves, 3,600 yoke of oxen, 257,000 of other cattle; in ready money, H. S. *sexcenties*, £484,375, *Plin. ib.*

Augustus received by the testaments of his friends *quater decies millies*, £32,291,666: 13: 4, *Suet. Aug. ult.* \* He left in legacies to the Roman people, i. e. to the public, *quadringenties*, and to the tribes or poor citizens (*tribubus vel plebi*) *TRICIES quinquies*, *Suet. ibid.* *Tacit. Ann.* i. 8.

Tiberius left at his death *vigesies ac septies millies*, £21,796,875, which Caligula lavished away in less than one year, *Suet. Cal.* 37.

Vespasian, at his accession to the empire, said, that to support the commonwealth, there was need of *quadringenties millies*, £322,916,666: 13: 4, an immense sum! more than the national debt of Britain! † *Suet. Vesp.* 16.

The debt of Milo is said to have amounted to *H. S. septingenties*, £565,104: 3: 4, *Plin.* xxxvi. 15. s. 24.

Cæsar, before he enjoyed any office, owed 1300 talents, £251,875, *Plutarch.* When, after his prætorship, he set out for Spain, he is reported to have said, *Bis millies et quingenties sibi deesse, ut nihil haberet*, i. e. that he was £2,018,229: 3: 4, worse than nothing. A sum hardly credible! *Appian. de Bell. Civ.* ii. 432. When he first entered Rome in the beginning of the civil war, he took out of the treasury £1,095,979, *Plin.* xxxiii. 3., and brought into it, at the end of the civil war, above £4,843,750 (*amplius sexies millies*), *Vell.* ii. 56. He is said to have purchased the friendship of Curio, at the beginning of the civil war, by a bribe of *sexcenties sestertium*, £484,373, *Dio.* xl. 60. *Val. Max.* ix. 1. 6. *Vel. Pat.* ii. 48., and that of the consul, L. Paulus, the colleague of Marcellus, A. 704, by 1500 talents, about £279,500, *Appian, B. C.* ii. 443. *Plutarch. in Cæs. & Pomp. et Suet. Cæs.* 29. Of

\* Cicero, *Phil.* ii. 16., states, that he had received in legacies *ducenties H. S.*: 161,458l. 6s. 8d.

† In the year 1791, when this book was first published.

Curio, Lucan says, *Hic vendidit urbem*, iv. ult. *Venali Curio lingua*, i. 269., and Virgil, as it is thought, *Vendidit hic auro patriam*, *Æn.* vi. 621. But this Curio afterwards met with the fate which as a traitor to his country he deserved, being slain by Juba in Africa, *Dio.* xli. 42. *Libycas en nobile corpus Pascit aves ! nullo contectus CURIO busto*, Lucan. iv. 809.

Antony, on the Ides of March, when Cæsar was killed, owed *quadrings*, £322,916 : 13 : 4, which he paid before the kalends of April, *Cic. Phil.* ii. 37., and squandered of the public money *sestertium septies millies*, £5,651,041 : 13 : 4, *Cic. Phil.* v. 4. xii. 5.

Cicero at first charged Verres with having plundered the Sicilians of *sestertium millies*, in *Cæcil.* 5., but afterwards exacted only *quadrings*, *Actio in Verr.* 18.

Apicius wasted on luxurious living *sexcenties sestertium*, £484,375 ; Seneca says, *sestertium millies in culinam consumpsit*, and being at last obliged to examine the state of his affairs, found that he had remaining only *sestertium centies*, £80,729 : 3 : 4 ; a sum which he thought too small to live upon, and therefore ended his days with poison, *Senec. Consol. ad Helv.* 10. *Martial.* iii. 22. *Dio.* lvii. 19.

Pliny says, that in his time Lollia Paulina wore, in full dress, jewels to the value of *quadrages sestertium*, £32,201 : 13 : 4, or as others read the passage, *quadrings sestertium*, £322,916 : 13 : 4, *Plin.* x. 35. s. 57.

Julius Cæsar presented Servilia, the mother of M. Brutus, with a pearl worth *sexages sestertia*, £48,417 : 10, *Suet. Cæs.* 50. Cleopatra, at a feast with Antony, swallowed a pearl dissolved in vinegar worth *centies H. S.*, £80,729 : 3 : 4, *Plin. ibid.* *Macrob. Sat.* ii. 13. Clodius, the son of Æsopus, the tragedian, swallowed one worth *decies*, £8,072 : 13 : 4, *Val. Max.* ix. 1, 2. *Horat. Sat.* ii. 3. 239. So Caligula, *Suet.* 34.

A single dish of Æsop's is said to have cost a hundred *sestertia*, *Plin.* x. 51. s. 72. xxxv. 12.

Caligula laid out on a supper, *centies H. S.*, £80,729 : 3 : 4, *Senec. Helv.* 9., and Heliogabâlus, *tricies H. S.*, £24,218 : 15, *Lamprid.* 27.

The ordinary expense of Lucullus for a supper in the hall of Apollo was 50,000 *drachmæ*, £1,614 : 11 : 8, *Plutarch. in Lucull.*

Even persons of a more sober character were sometimes very expensive. Cicero had a citron-table which cost him *H. S. decies* ; and bought the house of Crassus with borrowed money, for *H. S. xxxv. i. e. tricies quinquies*, £28,740 : 13 : 4, *Plin.* vii. 38. xiii. 15. *Cic. Fam.* v. 6.

This house had first belonged to the tribune M. Livius Druſus, who, when the architect promised to build it for him in such a manner that none of his neighbours should overlook him, answered, " If you have any skill, contrive it rather so, that all the world may see what I am doing," *Vell. Pat.* ii. 14.

Messâla bought the house of Autronius for *H. S. cccxxxvii.* £3,527 : 17 : 3½, *Cic. Att.* i. 13.

Domitius estimated his house at *sexages sestertia*, i. e. £48,437 : 10, *Val. Max.* ix. 1. 5. The house of Clodius cost *centies et quadrages octies*, £119,479, *Plin.* xxxvi. 15. s. 24.

The fish-pond of C. Herius was sold for *quadrages H. S.*, £32,291 : 13 : 4, *Plin.* ix. 55., and the fish of Lucullus for the same sum, *Ibid.* 54.

The house-rent of middling people in the time of Julius Cæsar is supposed to have been *bina millia nummum*, £16 : 2 : 11, from *Suet. Cæs.* 38. That of Cælius was *xxx millia nummum*, £242 : 3 : 9, and thought high, *Cic. Cæl.* 7.

The value of houses in Rome rose greatly in a few years. The house of Marius, which was bought by Cornelia for  $7\frac{1}{2}$  *myriads* of *drachmæ*, £2,421 : 17 : 6, was, not long after, purchased by Lucullus for 50 *myriads*, and 200 *drachmæ*, £16,152 : 5 : 10, *Plutarch. in Mario*.

The house of Lepidus, which in the time of his consulship [A. U. 676] was reckoned one of the finest in Rome, in the space of 35 years was not in the hundredth rank (*centesimum locum non obtinuit*), *Plin.* xxxvi. 15. s. 24.

The villa of M. Scaurus being burnt by the malice of his slaves, he lost *H. S. millies*, £807,291 : 13 : 4, *Ibid.*

The golden house (*aurea domus*) of Nero must have cost an immense sum, since Otho laid out in finishing a part of it *quingenties H. S.*, £408,645 : 16 : 8, *Plin. ibid.*

### THE INTEREST OF MONEY.

THE interest of money was called *FOENUS*, vel *fenus*; or *USURA*, *fructus*, *merces*, vel *impendium*; the capital, *CAPUT*, or *sors*; also *FOENUS*, which is put for the principal as well as the interest, *Tacit. Ann.* vi. 17. *Cic. Att.* i. 12. v. 21. vi. 1, 2. \*

When one AS was paid monthly for the use of a hundred, it was called *USURA CENTESIMA*, because in a hundred months the interest equalled the capital; or *ASSES USURÆ*. This we call 12 *per cent. per annum*, as *Pliny duodenis assibus debere vel mutuari*, *Ep.* x. 62. v. 55., *centesimas computare*, *Id.* ix. 28., which was usually the legal interest at Rome†, at least towards the end of the Republic, and under the first Emperors. Sometimes the double of this was exacted, *bina centesimæ*, 24 *per cent.*, and even 48 *per cent.*, *quaternæ centesimæ*, *Cic. Verr.* iii. 70. *Att.* vi. 2. Horace mentions one who demanded 60 *per cent.*; *Quinas hic capiti mercedes exsecat*; i. e. *quintuplices usuras exigit*, vel *quinis centesimis fœnerat*, *Sat.* i. 2. 14. ‡

When the interest at the end of the year was added to the capital, and likewise yielded interest, it was called [*versura* or] *Centesimæ renovatæ*, *Cic. ibid.*, or *ANATOCISMUS anniversarius*, compound interest, *Id.* v. 21.; if not, *centesimæ perpetuæ*: or *fœnus perpetuum*, *Ibid.*

\* *Pignus*, security, mortgage: *Juv.* ix. 140., "viginti millia fœnus, *Pignori-bus positis*:" 20,000 sesterces, i. e. about 80*l.* annually, on good security.

† Or rather 10 *per cent.*, the year of 10 months being in use for the payment of loans. See *Nieb.* i. p. 514.

‡ "He deducts from the principal five common interests: in this case the usurer charged five *per cent.* monthly, or 60 *per cent. per annum*; and not content even with this exorbitant usury, actually deducted the interest before the money is lent. For instance, he lends 100*l.*, and at the end of the month the borrower is to pay him 105*l.*, principal and interest. But he gives only 95*l.*, deducting his interest when he lends the money, and thus in 20 months he doubles the principal." — *Anthou.*

USURÆ *semisses*, six per cent.; *trientes*, four per cent.; *quadrantes*, three per cent.; *besses*, eight per cent. &c., Cic. Att. iv. 15. Pers. v. 149.; *usura legitima vel licita*, legal interest; *illicita vel illegitima*, illegal, *Digest. et Suet. Aug.* 39.

USURA is commonly used in the plural, and FÆNUS in the singular.

The interest permitted by the Twelve Tables was only one per cent., FÆNUS UNCIARIUM vel UNCIÆ USURÆ, *Tacit. Ann.* vi. 16., (see *Lex DUILIA MÆNIA*), which some make the same with *usura centesima*; reduced, A. U. 408, to one-half, FÆNUS SEMUNCIARIUM, *Id.* et *Liv.* vii. 27.; but these, and other regulations, were eluded by the art of the usurers (*Fœneratores*), Cic. Att. vi. 1. Off. ii. 24, 25. Sall. Cat. 33. Liv. viii. 28. xxxv. 7. 41. \* After the death of Antony and Cleopatra, A. U. 725, the interest of money at Rome fell from 12 to 4 per cent., *Dio.* li. 21. †

Professed bankers or money-lenders were also called MENSARII vel *Trapezitæ*, ARGENTARII, NUMMULARII, vel *Collybistæ*, Liv. vii. 21. Suet. Aug. 2, 3, 4. Cic. Flacc. 19., sometimes appointed by the public, Liv. xxiii. 21.

A person who laid out money at interest was said *Pecuniam alicui v. apud aliquem occupare*, Cic. Flacc. 21. Verr. i. 36., *ponere, collocare*, &c.; when he called it in, *relegere*, Horat. Epod. 2. ult.

The Romans commonly paid money by the intervention of a banker, Cic. Cæcin. 6. (*in foro, et de mensæ scripturâ, magis quàm ex arôâ domoque, vel cistâ pecunia numerabatur*, Donat. in Ter. Adelph. ii. 4. 13.) whose account-books of debtor and creditor (*Tabulæ vel codices accepti et expensi; mensæ rationes*) were kept with great care, *Ibid.*; hence *Acceptum referre*, Cic., and among later writers, *acceptum ferre*, to mark on the debtor's side, as received; ACCEPTILATIO, a form of freeing one from an obligation without payment: *Expensum ferre*, to mark down on the creditor side, as paid or given away; *Expensi latio*, the act of doing so: *Ratio accepti atque expensi inter nos convenit*, our accounts agree, *Plaut. Most.* i. 3. 146. *In rationem inducere vel in tabulis rationem scribere*, to state an account, Cic. Verr. i. 42. And because this was done by writing down the sum and subscribing the

\* "From the passage referred to in Tacitus, (*ne quis unciario fœnere amplius exerceret*), and from Cato *de Re rusticâ*, who states that the Decemviral laws, in order to show that an usurer was worse than a thief, *posuerunt furem duplo condemnari, fœneratorem quadruplo*, Gothofredus has thus restored the law in his *Fragmenta xii. Tab.* SI QUIS UNCIARIO FENORE AMPLIUS FENERASIT, QUADRUPLIONE LUITO. This law was renewed, A. U. 397, in order to prevent any outbreak of sedition on the part of the people (*Liv.* vii. 16.); and reduced to one half in 408, as mentioned in the text. The people being elated with their success, passed another law at the motion of a tribune, L. Genucius (A. U. 412), *ne fœnerare liceret*, (*Liv.* vii. 42.) that no one should lend out money at interest, or if so, he should incur a penalty, (*App. Bell. Civ.* i. p. 382.) The Prætor Asellio was killed by the *fœneratores*, because he was desirous to revive this law, A. U. 665. (*App. ul. suprâ.*)"—BROTIER, *ad Tacit. Ann.* vi. 16.

† "The enormous return exacted for the use of money was found so oppressive, that, in the time of Augustus, the government, in order to check the evil, converted the confiscated property of criminals into a fund, from which sums were lent, for stipulated periods, free of interest, to those who could give security for double the amount; and a similar measure was adopted by several succeeding emperors. (*Suet. Aug. et Tib. Tac. Ann.* vi. 17.)"—*Sketches of the Institutions, &c. of the Romans*, p. 146.



person's name in the banker's books; hence *scribere nummos alicui*, i. e. *se per scriptum v. chirographum obligare ut solvat*, to promise to pay, *Plaut. Asin.* ii. 4. 34., *rationem accepti scribere*, to borrow, *Id. Truc.* iv. 2. 36., *rescribere*, to pay, or to pay back what one has received, *Ter. Phorm.* v. 7. 29. *Horat. Sat.* ii. 3. 76.; so, *perscribere*, to order to pay, *Ter. Phorm.* v. 7. 30. *Cic. Att.* ix. 12. *Flacc.* 19., whence *PERSCRIPTIO*, an assignment or an order on a banker, *Cic. Orat.* i. 58. *Att.* iv. ult. xii. 51. *Phil.* v. 4. *Flacc.* 30. Hence also *NOMEN* is put for a debt, for the cause of a debt, or for an article of an account. *NOMINA facere*, to contract debt, *Senec. Ben.* i. 1., to give security for payment, by subscribing the sum in a banker's books, *Cic. Off.* iii. 14., or to accept such security, *Cic. Fam.* vii. 23., *exigere*, to demand payment, *Cic. Verr.* i. 10. So, *appellare de nomine*, *Att.* v. 29., *dissolvere*, to discharge, to pay, *Id. Planc.* 28., *solvere*, *Att.* vi. 2., *expungere*, *Plaut. Cist.* i. 3. 41. *Explicare*, *Att.* xiii. 29. *Expedire*, xvi. 6. *Transcribere nomina in alios*, to lend money in the name of others, *Liv.* xxxv. 7. *Pecunia ei est in nominibus*, is on loan, *Cic. Verr.* v. 7. *Top.* 3. *In codicis extrema cerâ nomen infimum in flagitiosâ liturâ*, the last article at the bottom of the page shamefully blotted, *Cic. Verr.* i. 36. *Rationum nomina*, articles of accounts, *Ib.* 39. *In tabulas nomen referre*, to enter a sum received. *Multis Verri nominibus acceptum referre*, to mark down on the debtor side many articles or sums received from Verres, *Ibid.* *Hinc ratio cum Curtiis, multis nominibus, quorum in tabulis iste habet nullum*, i. e. *Curtiis nihil expensum tulit Verres*, *Ibid.* Hence Cicero, pleading against Verres, often says, *RECITA NOMINA*, i. e. *res, personas, causas, in quas ille aut quibus expensum tulit*, the accounts, or the different articles of an account, *Ascon.* *Certis nominibus pecuniam debere*, on certain accounts, *Cic. Quinct.* 11. *Non refert parva nomina in codices*, small sums, *Cic. Rosc. Com.* 1. *Multis nominibus versuram ab aliquo facere*, to borrow many sums to pay another, *Cic. Verr.* ii. 76. *Permulta nomina*, many articles, *Ib.* 5. Likewise for a debtor; *Ego bonum nomen existimor*, a good debtor, one to be trusted, *Cic. Fam.* v. 6. *Optima nomina non appellando fiunt mala*, *Colum.* i. 7. *Bono nomine centesimis contentus erat, non bono quaternas centesimas sperabat*, 12 per cent. from a good debtor, 48 from a bad, *Cic. Att.* v. 21. *Nomina sectatur tironum*, i. e. *ut debitores faciat, venatur*, seeks to lend to minors, a thing forbidden by law, *Horat. Sat.* i. 2. 16. *Cautos nominibus certis expendere nummos*, i. e. *sub chirographo bonis nominibus vel debitoribus dare*, to lend on security to good debtors, *Id. Ep.* ii. 1. 105. *Locare nomen sponsu improbo*, to become surety with an intention to deceive, *Phædr.* i. 16.

As the interest of money was usually paid on the Kalends, hence called *TRISTES*, *Horat. Sat.* i. 3. 87., and *CELERES*, *Ovid. Remed. Amor.* 561., a book in which the sums to be demanded were marked was called *CALENDARIUM*, *Senec. Benef.* i. 2. vii. 10. *Ep.* 14. 87.\*

\* "Bottomry interest, or the interest of a loan on a ship or the cargo of a ship, was termed by the Romans *nauticum fœnus*. By the Rhodian law, the exaction of such high interest as is usual in bottomry was declared illegal, unless the principal was really exposed to the danger of the sea (*Boeckh's Public Economy of Athens*, vol. i. p. 177. Eng. trans.). The principle was adopted by the Romans; and has been transferred from the Roman law into all modern codes." — "It has been contended

## ROMAN MEASURES OF LENGTH, &amp;c.

THE Romans measured length or distance by feet, cubits, paces, *stadia*, and miles.

The Romans, as other nations, derived their names of measure chiefly from the parts of the human body. DIGITUS, a digit, or finger's breadth; POLLEX, a thumb's breadth, an inch; PALMUS, a hand's breadth, a palm, equal to (=) 4 *digiti*, or three inches; PES, a foot, = 16 digits or 12 inches; PALMIPES, a foot and a hand's breadth; CUBITUS vel *Ulna*, a *cubit*, from the tip of the elbow, bent inwards, to the extremity of the middle finger, = 1½ foot, the fourth part of a well-proportioned man's stature; PASSUS, a pace, = 5 feet, including a double step, or the space from the place where the foot is taken up to that where it is set down, the double of an ordinary pace, *gradus* vel *gressus*. A pole ten feet long (*decempēda*) was called PERTICA, a perch (*quasi* Portica, a *portando*). The English perch or pole is 16½ feet.—*Unā perticā tractare*, to measure with the same ell, to treat in the same manner, *Plin. Ep.* 8. 2.

Each foot (PES) was divided into 4 *palmi* or hand-breadths, 12 *pollices* or thumb-breadths, and 16 *digiti* or finger-breadths. Each *digitus* was supposed equal to 4 barley-corns (*hordei grana*), *Frontin. de Aquæd.* i. 2.; but the English make their inch only three barley-corns.

The foot was also divided into 12 parts, denominated from the divisions of the Roman *as*; thus *dodrans* vel *spithama*, 9 *pollices*, or *uncia*, inches, *Suet. Aug.* 79. *Plin.* vii. 2.

A cubit (CUBITUS, v. -um) was equal to a foot and a half (*sesquipes*), 2 *spithamæ*, 6 *palmi*, 18 *pollices*, or 24 *digiti*. PASSUS, a pace, was reckoned equal to 5 feet, *Plin.* ii. 23. 125 *Passus*, or 625 feet, made a STADIUM or furlong; and 8 *Stadia*, or 1000 paces, or 5000 feet, a mile, (MILLIARIUM, vel -re; vel MILLE, sc. *passus* v. *passuum*, *Cic. Cæcin.* 10. *Att.* iii. 4. *Gell.* i. 16.)

The Greeks and Persians called 30 *stadia* PARASANGA; and 2 *parasangs*, *SCHORINOS*, *Herodot.* ii. 16.; but others differ, *Plin.* v. 10. xii. 14.

by Loccenius, Puffendorf and others, from a passage in *Livy* (xxiii. 49.), which states that the contractors employed during the second Punic war by the Romans to transport ammunition and provisions to Spain, stipulated that government should indemnify them against losses occasioned by the enemy or by tempests: it has been contended from this passage, that the ancients were acquainted with the practice of *marine insurance*. Malines (*Lex Mercatoria*, 3d ed. p. 105.), founding on a passage in Suetonius (c. 18.), ascribes the first introduction of it to the emperor Claudius. But none of these passages, nor a similar one in Cicero's letters (*ad Fam.* ii. 17.), warrant the inference. *Insurance* is a contract between two parties; one of whom on receiving a certain *premium* (*pretium periculi*), agrees to take upon himself the risk of any loss that may happen to the property of the other. But though, in the cases referred to, the carriers were exempted from this chance, they were not exempted by any contract, *propter aversionem periculi* (see p. 207.), but by their employers taking the risk upon themselves (*publico periculo*, *Liv.* — *suscepto in se damno*, *Suet.*). The object of the latter in doing this was not to profit like an insurer, who deals in risks, but to induce individuals the more readily to undertake the performance of an urgent public duty." — *M'Culloch's Dict. of Commerce*.

The Roman acre (JUGERUM) contained 240 feet in length and 120 in breadth; that is, 28,800 square feet, *Quinctil.* i. 10. 42. *Varr. R. R.* i. 10. 1. *Plin.* xviii. 3, &c.

The half of an acre was called ACTUS QUADRATUS, consisting of 120 feet square; (ACTUS, *in quo boves agerentur cum aratro uno impetu justo vel protelo*, i. e. *uno tractu vel tenore*, at one stretch, without stopping or turning, *Plin.* xviii. 3. *Donat. in Ter. Phorm.* 1. 3. 36., *non strigantes*, without resting, *Plin. ib.* 19. s. 49. *Senec. Ep.* 31. *Phædr.* iii. 6. 9.) *Actus quadratus undique finitur pedibus cxx. Hoc duplicatum facit jugerum, et ab eo, quod erat junctum, nomen jugeri usurpavit*, *Col. v.* 1. 5. *Jugum vocabatur, quod uno jugo boium in die exarari posset*, *Plin. & Varr. Ibid.*

An English acre contains 40 perches or poles, or 660 feet, in length, and four poles, or 66 feet, in breadth. The Scots acre is somewhat more than one fifth larger.

The JUGERUM was divided into the same parts as an AS; hence *uncia agri*, the twelfth part of an acre, *Varr. de R. R.* i. 10.

### ROMAN MEASURES OF CAPACITY.

THE measure of capacity most frequently mentioned by Roman authors is the AMPHORA, (*ex ἀμφὶ et φῆρω, quod vas ejus mensuræ utrinque ferretur, duabus ansis*), called also QUADRANTAL or CADUS, [*testa* or *diota*], and by the Greeks *metreta* or *ceramium*, a cubic foot, containing 2 *urnæ*, 3 *modii*, 8 *congi*, 48 *sextarii*, and 96 *heminae* or *cotylæ*. But the Attic *amphora* (κᾰδος, or *metrêta*) contained 2 *urnæ*, and 72 *sextarii*.

The *amphora* was nearly equal to 9 gallons [rather 7½] English, and the *sextarius* to one pint and a half English, or one mutchkin and a half Scots.

A *sextarius* contained 2 *heminae*, 4 *quartarii*, 8 *acetabula*, and 12 *cyathi*, which were denominated from the parts of the Roman *as*; thus, *calices* or cups were called *sextantes*, *quadrantes*, *trientes*, &c. according to the number of *cyathi* which they contained. See p. 401.

A *cyathus* was as much as one could easily swallow at once. It contained 4 *ligulæ* vel *lingulæ*, or *cochlearia*, spoonfuls, *Columel.* xii. 21. *Plin.* xx. 5. *Martial.* xiv. 120.

CONGIUS, the eighth of an *amphora*, was equal to a cubic half foot, or to 6 *sextarii*. This measure of oil or wine used anciently to be distributed by the magistrates or leading men among the people, *Liv.* xxv. 2. *Plin.* xiv. 14. Hence CONGIARIUM, a gratuity or largess of money, corn, or oil, given to the people\*, *Liv.* xxxvii. 57. *Cic. Phil.* ii. 45. *Suet. Cæs.* 38., chiefly by the emperors, *Tacit. Annal.* xiii. 31. *Suet. Cæs.* 27. *Aug.* 42. *Tib.* 20. *Dom.* 4., or privately to an individual, *Cic. Fam.* viii. 1. *Att.* x. 7. *Suet. Vesp.* 18.

A gratuity to the soldiers was called DONATIVUM, *Suet. Cal.*

\* "The distribution of salt, which Ancus Martius made among his subjects from the salt pits he had dug along the sea-shore, gave rise to those public liberalities called *congiaria*, from the word *congius*, a measure in use among the ancient Romans, containing about a gallon. (*Plin.* xxxi. 7.)" — *Hooke's R. H. B.* i. c. v.

46. *Ner.* 7. *Plin. Paneg.* 25. *Tacit. Ann.* xii. 41., sometimes also CONGIARIUM, *Cic. Att.* xvi. 8. *Curt.* vi. 2.

The *congiaria* of Augustus, from their smallness, used to be called HEMINARIA, *Quinctil.* vi. 3. 52.

The weight of rain-water contained in an *amphora* was 80 Roman pounds, in a *congius* 10 pounds, and in a *sextarius* 1 pound 8 ounces.\*

The greatest measure of things liquid among the Romans was the CULEUS, containing 20 *amphoræ*.

Pliny says, the *ager Cæcubus* usually yielded 7 *culei* of wine an acre, i. e. 143 gallons  $3\frac{1}{2}$  pints English, worth at the vineyard 300 *nummi*, or 75 *denarii*, each *culeus*, i. e. £2 : 8 :  $5\frac{1}{4}$ , about a halfpenny the English pint, *Plin.* xiv. 4. *Columel.* iii. 3.

MODIUS was the chief measure for things *dry*, the third part of a cubic foot, somewhat more than a peck English. A *modius* of Gallic wheat weighed about 20 *libræ*, *Plin.* xviii. 7. Five *modii* of wheat used to be sown in an acre, six of barley and beans, and three of pease, *Ib.* 24. Six *modii* were called MEDIMNUS, vel *-um*, an Attic measure, *Nep. Attic.* 2. *Cic. Verr.* iii. 45. 47. 49, &c.

### ROMAN METHOD OF WRITING.

MEN in a savage state have always been found ignorant of alphabetic characters. The knowledge of writing is a constant mark of civilisa-

\* LIBRA. There were two pounds in use among the Romans; the one for liquid measure, to determine the *volume* of a body (*moles*), the other its weight (*pondus*). Galen every where distinguishes the *λίτραν μετρικὴν* (*libram mensuriam*) and the *λίτραν σταθμικὴν* (*libram pondo*), and frequently compares them together. Both were divided into 12 *unciae* or ounces; and the *unciae* into eight *drachmæ*. Amongst liquid substances, oil was chosen as the standard for all others; and hence Galen frequently alludes to the *μέτρον* with which they measure oil, and the *τὴν τοῦ ἐλαίου καλουμένην λίτραν*. The same writer informs us, that he found, from his own examination, that the weight of a pound of oil (liquid measure) was to a pound weight, as 10 is to 12: or that 12 oz. of the former were equal to 10 oz. of the latter.

CONGIUS. From Fannius we learn that a congius contained 9 *lbs.* of oil (liquid measure); for he says expressly, that a *sextarius*, which is  $\frac{1}{2}$ th of a congius, contained  $1\frac{1}{2}$ lb. of oil. That Fannius is speaking of liquid measure, is evident from his observing, that the 18 oz. contained in a sextarius of oil are equal to 15 oz. in weight (*pondo*): As 10 : 12 :: 15 : 18. This is further confirmed by Fannius remarking, that the *sextarius* contains 18 oz. of oil and 20 oz. of wine. Now, as the Romans estimated the specific gravity of oil to wine in the proportion of nine to ten, therefore 18 oz. of the former must be equal to 20 oz. of the latter; and as the weight of a congius of oil is  $7\frac{1}{2}$ lbs., from the same proportion it follows, that the *weight* of wine contained in a *congius* is equal to 8 lbs. 4 oz., or 100 oz., and not 120 oz., as has been hitherto supposed.

We may now more easily understand the statement that a congius is equal to 10 pounds in weight (*decem pondo*). It cannot be that 10 lbs. liquid measure (i. e. *olei*) and 10 lbs. of wine in weight (*pondo*) were contained in the congius; for, as we have already remarked, it contained 9 lbs. of oil (L. M.) and  $7\frac{1}{2}$  lbs. of oil in weight. The "*decem pondo*" of wine must therefore be reduced to the standard of oil; and we must interpret it of the congius containing as much wine in *weight* as would be equal to the weight of 10 lbs. of oil (L. M.) As the *libra* contained 12 oz., and the pound of oil (L. M.) was equal to 10 oz. in weight (*pondo*): — therefore 10 lbs. or 120 oz. (L. M.) would be equal to 100 oz., or 8 lbs. 4 oz. (*pondo*), which has been shown to be the weight of the wine contained in a congius.

The *Cyathus*, according to Galen, contained 12 drachms of oil (L. M.), and is estimated by Fannius at 10 drachms in weight, according to the proportion stated above. — Abridged from *Crevier's "Brevis Disputatio"* about Weights, Measures, &c. in the 4th edition of *Livy*.

tion. Before the invention of this art, men employed various methods to preserve the memory of important events, and to communicate their thoughts to those at a distance.

The memory of important events was preserved by raising altars or heaps of stones, planting groves, instituting games and festivals; and, what was most universal, by historical songs, *Tacit. de Mor. Germ.* 2.

The first attempt towards the representation of thought was the painting of objects. Thus, to represent a murder, the figure of one man was drawn stretched on the ground, and of another with a deadly weapon standing over him. When the Spaniards first arrived in Mexico, the inhabitants gave notice of it to their Emperor Montezuma, by sending him a large cloth, on which was painted every thing they had seen.

The Egyptians first contrived certain signs or symbols called *Hieroglyphics*, (from *ιερός*, sacred, and *γλύφω*, to carve,) whereby they represented several things by one figure.

The Egyptians and Phœnicians contended about the honour of having invented letters, *Tacit. Ann.* xi. 14. *Plin.* vii. 56. *Lucan.* iii. 220.

Cadmus, the Phœnician, first introduced letters into Greece near 1500 years before Christ, *Herodot.* v. 58., then only sixteen in number, α, β, γ, δ, ε, ι, κ, λ, μ, ν, ο, π, ρ, σ, τ, υ. To these, four were added by Palamedes, in the time of the Trojan war, θ, ζ, φ, χ; and four afterwards by Simonides, ξ, η, ψ, ω, *Plin.* vii. 56. s. 57. *Hygin. Fab.* 277.

Letters were brought into Latium by Evander from Greece, *Ibid.* & *Liv.* i. 7. The Latin letters at first were nearly of the same form with the Greek, *Tacit. ibid.* *Plin.* vii. 58.\*

Some nations ranged their letters perpendicularly, from the top to the bottom of the page, but most horizontally. Some from the right to left, as the Hebrews, Assyrians, &c.† Some from right to left and from left to right alternately, like cattle ploughing, as the ancient Greeks; hence this manner of writing was called *βουστροφηδόν*. But most, as we do, from left to right.

The most ancient materials for writing were stones and bricks, *Joseph. Ant. Jud.* i. 4. *Tacit. Ann.* ii. 60. *Lucan.* iii. 223. Thus the decalogue, or ten commandments, *Exod.* xxxiv. 1., and the laws of Moses, *Deut.* xxvii. 8. *Jos.* viii. 32.; then plates of brass, *Liv.* iii. 57. *Tacit. Ann.* iv. 43., or of lead, *Plin.* xiii. 11. s. 21. *Job*, xix. 24., and wooden tablets, *Isaiah*, xxx. 8. *Horat. Art. P.* 399. *Gell.* ii. 12. On these all public acts and monuments were preserved, *Cic. Font.* 14.

\* “The Phœnicians designated numbers by letters; not so the Etruscan. What we call Roman numerals, are Etruscan; and they occur frequently on their monuments; the remnants of the hieroglyphical art of writing which was in use before the alphabetical.” — *Nieb.* i. p. 112.

† “The verses of Lucretius, —

‘Non Tyrrhena retro volventem carmina frustra  
Indicia occultæ Divûm percurrere mentis,’

show that in his time the Etruscan books were still read in the original, from right to left (*retro.*)” — *Nieb.* i. p. 90.

*Liv.* vi. 20. *Plin. Pan.* 54. *Horat. Od.* iv. 8. 13. As the art of writing was little known, and rarely practised, it behoved the materials to be durable. Capital letters only were used, as appears from ancient marbles and coins.

The materials first used in common for writing, were the leaves, or inner bark (*liber*) of trees; whence *leaves* of paper (*chartæ, folia, vel plagulæ*), and LIBER, a book. The leaves of trees are still used for writing by several nations of India. Afterwards linen, *Liv.* iv. 7. 13. 20., and tables covered with wax were used. About the time of Alexander the Great, paper first began to be manufactured from an Egyptian plant or reed, called PAPYRUS, vel *-um*, whence our word *paper*, or BIBLOS, whence βίβλος, a book.

The *Papyrus* was about ten cubits high, and had several coats or skins above one another, like an onion, which they separated with a needle. One of these membranes (*philyræ vel schedæ*) was spread on a table longwise, and another placed above it across. The one was called *stamen*, and the other *subtēmen*, as the *warp* and the *woof* in a web. Being moistened with the muddy water of the Nile, which served instead of glue, they were put under a press, and after that dried in the sun. Then these sheets (*plagulæ vel schedæ*), thus prepared, were joined together, end to end, but never more than twenty in what was called one SCAPUS [quire], or roll, *Plin.* xiii. 11. s. 21.

The sheets were of different size and quality.

Paper was smoothed with a shell, or the tooth of a boar or some other animal; hence *charta dentata*, smooth, polished, *Cic. Q. Fr.* ii. 15. The finest paper was called at Rome, after Augustus, AUGUSTA, *regia*; the next LIVIANA; the third HIERATICA, which used anciently to be the name of the finest kind, being appropriated to the sacred volumes. The Emperor Claudius introduced some alteration, so that the finest paper after him was called CLAUDIA. The inferior kinds were called *Amphitheatrica, Saitica, Leneotica*, from places in Egypt where paper was made; and FANNIANA, from Fannius, who had a noted manufactory (*officina*) for dressing Egyptian paper at Rome, *Plin. ib.*

Paper which served only for wrappers (*involucra vel segestria*, sing. *-e*.) was called EMPORETICA, because used chiefly by merchants for packing goods, *Plin.* xiii. 12., coarse and spongy paper, SCABRA BIBULAE, *Plin. Ep.* viii. 15.

Fine paper of the largest size was called MACROCOLLA, sc. *charta*, as we say *royal* or *imperial* paper, and any thing written on it, MACROCOLLUM, sc. *volumen*, *Ibid.* & *Cic. Att.* xiii. 25. xvi. 3. [or *macrocollum*, fr. κῶλον, *membrum, membrana*: or fr. κόλλα, *glutinum*.]

The exportation of paper being prohibited by one of the Ptolemies, out of envy against Eumenes, King of Pergamus, who endeavoured to rival him in the magnificence of his library, the use of parchment, or the art of preparing skins for writing, was discovered at Pergamus, hence called PERGAMENA, sc. *charta*, vel MEMBRANA, parchment. Hence also Cicero calls his four books of Academics, *quatuor διφθέραι*, i. e. *libri e membranis facti*, *Att.* xiii. 24. Some read διφθέραι, i. e. *pelles*, by a metonymy, for *libri pellibus tecti*, vel *in pellibus scripti*. See *Manutius*. DIPHTHERA Jovis is the register book of Jupiter, made of the skin of the goat Amalthæa, by whose milk he was nursed,



on which he is supposed by the poets to have written down the actions of men. Whence the proverb, *Diphtheram serò Jupiter inspexit*; and *Antiquiora diphtherâ*, Erasm. in Chiliad. Vid. Polluc. vii. 15. Ælian. ix. 8. To this Plautus beautifully alludes, *Rud. Prol.* 21.

The skins of sheep are properly called *parchment*; of calves, **VELLUM** (*quasi* VITULINUM, sc. *corium*).

Most of the ancient manuscripts which remain are written on parchment, few on the *papyrus*.

Egypt having fallen under the dominion of the Arabs in the seventh century, and its commerce with Europe and the Constantinopolitan empire being stopped, the manufacture of paper from the *papyrus* ceased. The art of making paper from cotton or silk (*charta bombycina*) was invented in the East about the beginning of the tenth century; and, in imitation of it, from linen rags in the fourteenth century. Coarse brown paper was first manufactured in England, A. 1588; for writing and printing, A. 1690; before which time about 100,000*l.* are said to have been paid annually for these articles to France and Holland.

The instrument used for writing on waxen tables, the leaves or bark of trees, plates of brass or lead, &c. was an iron pencil, with a sharp point\*, called **STYLUS**, or **GRAPHIUM**. Hence *Stylo abstineo*, I forbear writing, *Plin. Ep.* vii. 21. On paper or parchment, a reed sharpened and split in the point, like our pens, called **CALAMUS**, **ARUNDO**, *fistula* vel *canna*, which they dipped in ink (*atramento intingebant*) as we do our pens, *Cic. Att.* vi. 8. *ad Q. Fr.* ii. 15. *Pers.* iii. 11. 14. *Horat. Art. P.* 446. *Plin.* xvi. 36. s. 64.

**SEPIA**, the cuttle-fish, is put for ink, *Pers. ib.*; because, when afraid of being caught, it emits a black matter to conceal itself, which the Romans sometimes used for ink, *Cic. de Nat. D.* ii. 20. *Ovid. Halieut.* 18.

The ordinary writing materials of the Romans were tablets covered with wax, paper, and parchment. Their *stylus* was broad at one end; so that when they wished to correct any thing, they turned the *stylus*, and smoothed the wax with the broad end, that they might write on it anew. Hence *sæpe stylum vertas*, make frequent corrections, *Horat. Sat.* i. 10. 72.

An author, while composing, usually wrote first on these tables, for the convenience of making alterations; and when any thing appeared sufficiently correct, it was transcribed on paper or parchment and published, *Horat. Sat.* ii. 3. 2.

It seems one could write more quickly on waxen tables than on paper, where the hand was retarded by frequently dipping the reed in ink, *Quintil.* x. 3. 30.

The labour of correcting was compared to that of working with a file (*limæ labor*); hence *opus limare*, to polish, *Cic. Orat.* i. 25.; *limare de aliquo*, to lop off redundancies, *Idem*, iii. 9.; *supremam limam operiri*, to wait the last polish, *Plin. Ep.* viii. 5.; *limâ mordaciùs uti*, to correct more carefully, *Ovid. Pont.* i. 5. 19. *Liber rarus limâ amici*, polished by the correction of a friend, *Id.* ii. 4. 17.; *ultima lima defuit meis scriptis*, *Ovid. Trist.* i. 6. 30., i. e. *summa manus operi defuit*, vel *non imposita est*, the last hand was not put to the work, it was not

\* "Hence *exaro*, to write." — T.

finished; *metaph. vel translat. a pictura, quam manus complect atque ornat suprema*, Serv. in Virg. *Æn.* vii. 572.; or of beating on an anvil; thus, *Et male tornatos* (some read *formatos*) *incudi reddere versus*, to alter, to correct, *Horat. Art. P.* 441.; *uno opere eandem in eundem diem noctemque tundere*, to be always teaching the same thing, *Cic. Orat.* ii. 39. *Ablatum mediis opus est incudibus illud*, the work was published in an imperfect state, *Ovid. ibid.* 29.

The Romans used also a kind of blotting or coarse paper, or parchment (*charta deletitia*), called PALIMPSESTOS (*a πάλιν, rursus, et ψάω, rado*), vel *palimpsestus* (*a ξίω, rado*), on which they might easily erase (*delere*) what was written, and write it anew, *Martial.* xiv. 7. *Cic. Fam.* vii. 18. But it seems this might have been done on any parchment, *Horat. Art. P.* 389. They sometimes varied the expression by interlining (*suprascripto*), *Plin. Ep.* vii. 12.

The Romans used to have note-books (ADVERSARIA, -orum,) in which they marked down *memorandums* of any thing, that it might not be forgotten, until they wrote out a fair copy; of an account, for instance, or of any deed, (*ut ex iis justæ tabulæ conficerentur*), *Cic. Rosc. Com.* 2, 3. Hence *referre in adversaria*, to take a memorandum of a thing, *Ib.*

The Romans commonly wrote only on one side of the paper or parchment, and always joined (*agglutinabant*) one sheet (*scheda*) to the end of another, till they finished what they had to write, and then rolled it up on a cylinder or staff; hence VOLUMEN, a volume or scroll. *Evolvare librum*, to open a book to read, *Cic. Tusc.* i. 11. *Top.* 9.; *animi sui complicatam notionem evolvere*, to unfold, to explain, *Off.* iii. 19.

An author generally included only one book in a volume, so that usually in a work there was the same number of volumes as of books. Thus, Ovid calls his fifteen books of *Metamorphoses*, *mutatæ ter quinque volumina formæ*, *Trist.* i. 1. 117. So *Cic. Tusc.* iii. 3. *Att.* iv. 10. *Fam.* xvi. 17. When the book was long, it was sometimes divided into two volumes; thus, *STUDIOSI tres*, i. e. three books on Rhetoric, *in sex volumina propter amplitudinem divisi*, *Plin. Ep.* iii. 5. Sometimes a work, consisting of many books, was contained in one volume; thus, *Homerus totus in uno volumine*, i. e. forty-eight books, *Ulpian.* l. 52. *D. de Legat.* iii. Hence *annosa volumina vatum*, aged books, *Horat. Ep.* ii. 1. 26. *Peragere volumina*, to compose, *Plin. ib.*

When an author, in composing a book, wrote on both sides (*in utraq; pagina*) of the paper or parchment, it was called OPISTHOGRAPHUS, vel -on, *Plin. ib.*, i. e. *scriptus et in tergo* (*ex ὑποθῆ, a tergo, et γράφω, scribo*), *Juvenal.* i. 1. 6., *in chartâ aversâ*, *Martial.* viii. 62., in very small characters (*minutissimis, sc. literis*), *Plin. ib.*

When a book or volume was finished, a ball or boss (*bulia*) of wood, bone, horn, or the like, was affixed to it on the outside, for security and ornament (*ad conservationem et ornatum*), called UMBILICUS, from its resemblance to that part of the human body; hence *Ad umbilicum adducere*, to bring to a conclusion, to finish, *Horat. Ep.* xiv. 8., *ad umbilicos pervenire*, *Martial.* iv. 91. Some suppose this ornament to have been placed in the middle of the roll, *Schol. in Horat.*, but others, at the end of the stick (*bacillus vel surculus*) on which the book was rolled, or rather at both ends, called CORNUA, *Ovid. Trist.*

i. 1. 8. *Martial.* xi. 108.; hence we usually find *umbilici* in the plur., *Catull.* xx. 7. *Martial.* i. 67. iii. 2. 5, 6. viii. 61.; and in *Statius*, *Silv.* iv. 9. 8., *binis umbilicis decoratus liber*.

UMBILICUS is also put for the centre of any thing, as *navel* in English; thus, *Delphi umbilicus Græciæ*, *Liv.* xxxv. 18., *orbis terrarum*, *Id.* xxxviii. 47. *Cic. Divin.* ii. 56. So *Cic. Verr.* iv. 48. *Cutiliæ lacus, in quo fluctuet insula, Italiæ umbilicus*, *Plin.* iii. 13. s. 17., and for a shell or pebble, *Cic. Orat.* ii. 6.

The Romans usually carried with them, wherever they went, small writing tables, called PUGILLARES, vel -ia, (*quòd non majores erant quàm quæ pugno, vel pugillo comprehenderentur, vel quòd in iis stylo pungendo scribebatur*), by *Homer*, *πινυκίς*, *Il.* vi. 169.; hence said to have been in use before the time of the Trojan war, *Plin.* xiii. 11., on which they marked down any thing that occurred, *Plin. Ep.* i. 6., *Ovid. Met.* ix. 520., either with their own hand, *Plin.* viii. 9., or by means of a slave, called, from his office, NOTARIUS, *Id.* iii. 5., or TABELLARIUS, *Cic. Phil.* ii. 4.

The *pugillares* were of an oblong form, made of citron, or box wood, or ivory, also of parchment, covered with coloured or white wax, *Ovid. Amor.* i. 12. 7. *Martial.* xiv. 3., containing two leaves (*duplices, δίπτυχοι*), three, four, five, or more, *Martial. ib.*, with a small margin raised all round, as may be seen in the models of them which still remain. They wrote on them (*exarabant*) with a *stylus*, hence *Ceris et stylo incumbere*, for *in pugillaribus scribere*, *Plin. Ep.* vii. 27. *Remittere stylum*, to give over writing, *Ib.*

As the Romans never wore a sword or dagger in the city, *Plin.* xxxiv. 14. s. 39., they often, upon a sudden provocation, used the *graphium* or *stylus* as a weapon, *Suet. Cæs.* 82. *Cal.* 28. *Cl.* 15. 35. *Senec. de Clem.* i. 14., which they carried in a case, (*theca calamaria, aut graphiaria, vel graphiarium*), *Martial.* xiv. 21. Hence probably the *stiletto* of the modern Italians.

What a person wrote with his own hand was called CHIROGRAPHUS, vel -um, *Cic. Fam.* xii. 1. xvi. 21. *Suet. Jul.* 17. *Aug.* 87., which also signifies one's hand or handwriting, *Cic. Phil.* ii. 4. *Fam.* ii. 13. x. 21. *Att.* ii. 20. *Nat. D.* ii. 74. *Versus ipsius chirographo scripti*, with his own hand, *Suet. Ner.* 52. *Chirographum alicujus imitari*, *Id.* *Aug.* 64. *Tit.* 3.

But *chirographum* commonly signifies a bond or obligation, which a person wrote or subscribed with his own hand, and sealed with his ring, *Juvenal.* xiii. 137. *Suet. Cal.* 11. When the obligation was signed by both parties, and a copy of it kept by each, as between an undertaker and his employer, &c. it was called SYNGRAPHIA, -us, vel -um, *Ascon. in Verr.* i. 36. *Plaut. Asin.* iv. 1., which is also put for a passport or furlough, *Plaut. Cap.* ii. 3. 90.

A place where paper and instruments for writing, or books, were kept, was called SCRINIUM vel CAPSA, an *escritoir*, a box or case (*arcula vel locus*), *Horat. Sat.* i. 1. 121. iv. 22. x. 63., commonly carried by a slave, who attended boys of rank to school, *Juvenal.* x. 117., called CAPSARIUS, *Suet. Ner.* 36., or LIBRARIUS, *Id. Cl.* 35., together with the private instructor, PÆDAGŌGUS, *Ibid.*; also for the most part of servile condition, *Plaut. Bacch.* 1, 2., distinguished from the public teacher, called PRÆCEPTOR, *Plin. Ep.* iv. 13. *Senec. de*

*Ir.* ii. 22., DOCTOR *vel* MAGISTER, *Id. Paneg.* 47., but not properly DOMINUS, unless used as a title of civility, as it sometimes was, *Suet. Cl.* 21. *Tacit. Ann.* ii. 87., especially to a person whose name was unknown or forgotten, as *Sir* among us, *Senec. Ep.* iii. 47.; thus, DOMINA is used ironically for mistress or madam, *Ter. Heaut.* iv. 1. 15. Augustus would not allow himself to be called DOMINUS, *Suet.* 53., nor Tiberius, *Id.* 27., because that word properly signifies a master of slaves (*qui domi præest vel imperat*), *Ter. Eun.* iii. 2. 33. An under teacher was called HYPODIDASCALUS, *Cic. Fam.* ix. 18.

Boys of inferior rank carried their satchels and books themselves (*lævo suspensi loculos tabulamque lacerto*), *Hor. Sat.* i. 6. 74.\*

When a book was all written by an author's own hand, and not by that of a transcriber (*manu librarii*), it was called AUTOGRAPHUS, *Suet. Aug.* 71. 87., or *Idiographus*, *Gell.* ix. 14.

The memoirs which a person wrote concerning himself, or his actions, were called COMMENTARII, *Cæs. & Cic. Brut.* 75. *Suet. Cæs.* 56. *Tib.* 61., also put for any registers, memorials, or journals, (*Diaria, ephemerides, acta diurna, &c.*) *Cic. Fam.* v. 12. f. viii. 11. *Phil.* i. 1. *Verr.* v. 21. *Liv.* i. 31, 32. xlii. 6. *Suet. Aug.* 64. *Plin. Ep.* vi. 22. x. 96. Memorandums of any thing, or extracts of a book, were called *Hypomnēmata*, *Cic. Att.* xvi. 14. 21. Also COMMENTARII *electorum vel excerptorum*, books of extracts or common-place books, *Plin. Ep.* iii. 5.

When books were exposed to sale by booksellers (*bibliopōlæ*), they were covered with skins, smoothed with pumice stone, *Horat. Ep.* i. 20. *Plin.* xxxvi. 21. s. 42. *Catull.* xx. 8. *Tibull.* iii. 1. 10.†

\* “With their bags of counters, and their cyphering tables hanging on the left arm. The term *tabula* is here applied to the table for reckoning, and for performing various operations in arithmetic, used by the Roman boys and others. The computations were carried on, for the most part, by means of counters (*calculi* or *lapilli*): sometimes, as with us, characters were employed. In the latter case, the table was covered with sand or dust. The more common name is *abacus*. Compare the explanation of the scholiast: *Tabulam, in qua et characteres arithmeticos notabant et calculos ordinare discebant.*” — Anthon.

“The Romans borrowed their *abacus* from the Greeks. The pupils were instructed to compute by forming progressive rows of counters (*calculi*), and the same board (*tabula*) served also (when covered with green sand, the *pulvis eruditus* of the ancients, *Cic. de N. D.* ii. 18.) for teaching the rudiments of writing, and the elements of geometry. The use of the *abacus*, called sometimes, likewise, the *Mensa Pythagorica*, formed an essential part of the education of every noble Roman youth: —

‘Nec qui abaco numeros, et secto in pulvere metas  
Scit risisse vafer.’ — *Pers. Sat.* i. 131.

A small box or coffer, called a *loculus*, having compartments to hold the *calculi* or counters, was a necessary appendage of the *abacus*.” — *Encyc. Britan.* art. *Abacus*.

“The familiar use of these counters gave rise to numerous metaphorical phrases amongst classical authors, which have reference to arithmetical operations on the *abacus*: thus *calculos ponere*, or *movere*, to state an argument; *hic calculus accedat*, to signify the addition of a proof to others which have preceded; *calculus detrahere*, or *subducere*, to suppress a proof or step in an argument; *calculus reducere*, to change a line of conduct or reasoning with which you are dissatisfied; and many other phrases, the proper force of which can only be understood by a reference to the use of this instrument.” — *Encyc. Metr.* art. *Arithmetic*.

† “It has been doubted whether, in antiquity, the right of an author to the exclusive privilege of publishing and selling his own works (*copyright*) was recognised, but we incline to think that it was. Terence, in one of his plays (*Prolog. in Eunuch.* l. 20.) says, ‘*Fabulam, quam nunc acturi sumus, postquam Ædiles eme-*

When a book was sent anywhere, the roll was tied with a thread, and wax put on the knot, and sealed; hence *signatus volumina*, Horat. Ep. i. 19. So letters, Cic. Cat. iii. 5. The roll was usually wrapped round with coarser paper, or parchment, Plin. xiii. 11., or with part of an old book, to which Horace is thought to allude, Ep. i. 20. 13. Hence the old Scholiast on this place, *Fient ex te opisthographa litterarum*, so called, because the inscription written on the back showed to whom the letter or book was sent.

Julius Cæsar, in his letters to the senate, introduced the custom of dividing them into pages (*paginae*), and folding them into the form of a pocket-book or account-book, (*libellus memorialis vel rationalis*), with distinct pages, like our books; whereas formerly, consuls and generals, when they wrote to the senate, used to continue the line quite across the sheet (*transversa charta*), without any distinction of pages, and roll them up in a volume, Suet. Cæs. 56. Hence, after this, all applications or requests to the emperors, and messages from them to the senate, or public orders to the people, used to be written and folded in this form, called LIBELLI. (See p. 21.) Suet. Aug. xlv. 59. Tib. xviii. 66. Cl. 15. N. 15. Domit. 17. Martial. viii. 31. 82., or CODICILLI, Tacit. Ann. xvi. 24. Suet. Tib. xxii. 42. Cal. 18. Cl. 29., rarely used in the singular; applied chiefly to a person's last will, (see p. 58.) also to writing tables, the same with *pugillares*, or to letters written on them, Cic. Phil. viii. 10. Fam. iv. 12. vi. 18. ix. 26. Q. Fr. ii. 11. Suet. Cl. 5. N. 49.

A writ, conferring any exclusive right or privilege, was called DIPLOMA, (i. e. *libellus duplicatus*, vel *duorum foliorum*, consisting of two leaves written on one side), granted by the emperor, or any Roman magistrate, similar to what we call Letters Patent, i. e. open to the inspection of all, or a patent, Cic. Fam. vi. 12. Att. x. 17. Pis. 37. Senec. Ben. vii. 10. Suet. Aug. 50. Cal. 38. Ner. 12. Oth. 7., given particularly to public couriers, or to those who wished to get the use of the public horses or carriages for despatch, Plin. Ep. x. 54, 55. 121. [Tac. Hist. ii. 54.]

Any writing, whether on paper, parchment, tablets, or whatever materials, folded like our books, with a number of distinct leaves above one another, was called CODEX, (*quasi CAUDEX*, *plurium tabularum contextus*, Senec. de Brev. Vit. 13. Cic. Verr. i. 36. 46. & Ascon. in loc.) particularly account-books; *tabulae* vel CODICES, *accepti et expensi*, Cic. Rosc. Com. i. 2, &c. Verr. ii. 61., *libri* or *libelli*. Thus, we say *liber* and *volumen* of the same thing, Quinctil. ix. 4. f., *liber grandi volumine*, Gell. xi. 6., but not *codex*. *Legere* vel *recitare suum codicem*, the crime of the tribune Cornelius, who read his own law from a book in the assembly of the people, when the herald and secretary, whose office that was, (see p. 85. & 157.) were hindered to do it by the intercession of another tribune, Ascon. in Cornel. Cic. Vat. 2. Quinctil.

run; but why should the magistrates have bought it if it had been free to every one to copy it? Martial, in one of his epigrams, says,

‘Sunt quidam, qui me dicunt non esse poetam;

Sed qui me vendit, bibliopola, putat.’ — Lib. xiv. Ep. 194.

This evidently conveys the idea that he had assigned the right to sell his book to a single person who profited by it. Passages to the same effect may be found in Horace (*de Arte Poet.*), Juvenal. Sat. vii. 83. &c.” — M'Culloch.



iv. 4. Hence, in after-times, *Codex* was applied to any collection of laws. See p. 196.

All kinds of writings were called *LITERÆ*, *Cic. passim*: hence, *QUAM VELLE NESCIRE LITERAS*, I wish I could not write, *Suet. Ner. 10. Senec. Clem. 1.* But *literæ* is most frequently applied to epistolary writings, (*EPISTOLÆ* vel *chartæ epistolares*, *Cic.*) used in this sense by the poets, also in the sing., *Ovid. Pont. i. 7. 9. ii. 7. iv. 8. Ep. xviii. 9. xix. fin. xxi. fin.*; so in a negative form, *Cic. Att. xiii. 39. Fam. ii. 17. Arch. 8. Verr. i. 36.*; or for one's handwriting (*manus*), *Cic. Att. vii. 2.*; but, in prose, *litera* commonly signifies a letter of the alphabet.

*EPISTOLA* was always sent to those who were absent, *Cic. Q. Fr. i. 1. 13. iii. 1. 3. Fam. i. 7. ii. 4.*: *CODICILLI* were also given to those present, *Tacit. Ann. iv. 39. Senec. Ep. 55.* So *LIBELLI*, *Suet. Aug. 84.*

The Romans, at least in the time of Cicero, divided their letters, if long, into pages, *Cic. Att. vi. 2. Q. Fr. i. 2, 3. Fam. ii. 13. xi. 25.*, and folded them in the form of a little book, *Senec. Ep. 45.*, tied them round with a thread (*lino obligabant*), *Cic. Cat. iii. 5. Ovid. Ep. xviii. 28.*, as anciently, *Nep. Paus. 4. Curt. vii. 2.*, covered the knot with wax, or with a kind of chalk (*creta*), *Cic. Flacc. 16. Verr. iv. 26.*, and sealed it (*obsignabant*), *Plaut. Bacch. iv. 4. 64. 96.*, first wetting the ring with spittle, that the wax might not stick to it, *Ovid. Trist. v. 4, 5. Amor. ii. 15. 15. Juvenal. i. 68.* Hence *epistolam* vel *litteras resignare, aperire, vel solvere*, to open, *Nep. Hann. 11. Cic. Att. xi. 9. resolvere*, *Liv. xxvi. 15.* If any small postscript remained after the page was completed, it was written crosswise (*transversim*) on the margin, *Cic. Att. v. 1.*

In writing letters, the Romans always put their own name first, and then that of the person to whom they wrote, *Auson. Ep. 20.*, sometimes with the addition of *SUO*, as a mark of familiarity or fondness, *Cic. & Plin. Martial. xiv. 11.*; if he was invested with an office, that likewise was added, but no epithets, as among us, unless to particular friends, whom they sometimes called *humanissimi, optimi, dulcissimi, animæ suæ, &c.*, *Cic. & Plin. passim.*

They always annexed the letter *S.* for *SALUTEM*, sc. *dicat*, wishes health, as the Greek *χαίρειν*, or the like; so Horace, *Ep. i. 8.* Hence *salutem alicui mittere*, *Plaut. Pseud. i. 1. 39. Ovid. Her. xvi. 1. xviii. 1., &c.*, *multam vel plurimam dicere, adscribere, dare, impertire, nuntiare, referre, &c.*, as we express it, *to send compliments, &c.*, *Cic. Fam. xiv. 1. Att. xvi. 3.*

They used anciently to begin with *SI VALES, BENE EST* vel *GAUDEO, EGO VALERO*, *Senec. Ep. i. 15. Plin. Ep. i. 11. Cic. Fam. v. 9. 10. xiv. 8. 11. &c.*, which they often marked with capital letters, *Hirt. B. Hisp. 26.* They ended with *VALE*, *Ovid. Trist. v. 13. 33. CURA UT VALEAS*; sometimes *AVE* or *SALVE* to a near relation, with this addition, *MI ANIME, MI SUAVISSIME, &c.* They never subscribed their name as we do, but sometimes added a prayer for the prosperity of the person to whom they wrote; as, *Deos obsecro ut te conservent*, *Suet. Tib. 21.*, which was always done to the Emperors, *Dio. lvii. 11.*, and called *SUBSCRIPTIO*, *Suet. Tib. 32.* The day of the month, sometimes the hour, was annexed, *Suet. Aug. 50.*

Letters were sent by a messenger, commonly a slave, called *TABELLARIUS*, *Cic.*, for the Romans had no established post. There sometimes was an inscription on the outside of the letter, sometimes



not, *Plutarch. in Dione*. When Decimus Brutus was besieged by Antony at Mutina, Hirtius and Octavius wrote letters on thin plates of lead, which they sent to him by means of divers (*urinatores*), and so received his answer, *Dio. xlv. 36. Frontin. iii. 13. 7.* Appian mentions letters inscribed on leaden bullets, and thrown by a sling into a besieged city or camp, *Mithrid. p. 191.* See *Dio. xl. 9. li. 10.*

Julius Cæsar, when he wrote to any one what he wished to keep secret, always made use of the fourth letter after that which he ought to have used; as D for A, E for B, &c. *Suet. Cæs. 56. Dio. xl. 11.* Augustus used the letter following, *Dio. li. 3.*, as B for A, and C for B; for Z, *aa*, *Suet. Aug. 88. Isidor. l. 24.* So that those only could understand the meaning, who were instructed in their method of writing, *Gell. xvii. 9.*

The Romans had slaves or freedmen who wrote their letters, called *AB EPISTOLIS*, *Suet. Claud. 28.* (*A MANU vel AMANUENSES*), *Suet. Cæs. 74. Aug. 67. Vesp. Tit. i. 3.*, and accounts (*A RATIONIBUS, vel ratiocinatores*, *Cic. Att. i. 12. Suet. Claud. 28.*), also who wrote shorthand, (*ACTUarii, Suet. Jul. 55.*, vel *NOTarii, Senec. Ep. 90.*) as quickly as one could speak; *Currant verba licet, manus est velocior illis*, *Martial. xiv. 208.*; on waxen tables, *Auson. Ep. 146. 17. Manil. iv. 195.*, sometimes put for *amanuenses*, *Plin. Ep. iii. 5. ix. 36.*; who transcribed their books (*LIBRarii*), *Cic. Att. xii. 3. Liv. xxxviii. 55.*; who glued them (*GLUTINATORES*, *Cic. Att. ix. 4.*, vulgarly called *librorum concinnatores vel compactores*, βιβλιοπηγοί, bookbinders); polished them with pumice-stone (*pumice poliebant vel lævigabant*, *Ovid. Trist. i. 1. 9. iii. 1. 13.*), anointed them with the juice of cedar (*cedro illinebant*), to preserve them from moths and rottenness (*a tineis et carie*), *Ibid. & Plin. xiii. 12. Martial. iii. 2. v. 6. viii. 61.*; hence *carmina cedro linenda*, worthy of immortality, *Horat. Art. P. 332.* [and kept them in cases of cypress, *levi servanda cupresso*, *Ibid.*]; so *Pers. i. 42.* and marked the titles or index with vermilion, (*MINIUM*, v. *cinnabaris*, *Ovid. ibid. Plin. xxxiii. 7.*) purple (*coccus vel purpura*), *Martial. ib.*, red earth, or red ochre (*rubrica*); (see p. 195.); who took care of their library (*A BIBLIOTHECA*), *Cic. Fam. xiii. 77.*; assisted them in their studies (*A STUDIIS*, *Suet. Cal. 28.*); read to them, (*ANAGNOSTÆ*, sing. *-es*, *Cic. Att. i. 12. Fam. v. 9. Nep. Att. 14.*, *LECTORES*, *Suet. Aug. 78. Plin. Ep. viii. 1.*)

The freedmen, who acted in some of these capacities under the Emperors, often acquired great wealth and power. Thus Narcissus, the secretary (*ab epistolis vel secretis*) of Claudius, and Pallas, the controller of the household (*a rationibus*), *Suet. Claud. 28.* So the master of requests (*a libellis*), *Suet. Dom. 14. Tacit. Ann. xv. 35. xvi. 8.*

The place where paper was made was called *OFFICINA chartaria*, *Plin. xviii. 10.*; where it was sold, *TABERNA*; and so *OFFICINÆ ARMORUM*, *Cic. Phil. vii. 4.* *CYCLOPUM*, workhouses, *Horat. Od. i. 4. 8.* *SAPIENTIÆ*, *Cic. Legg. i. 13. omnium artium, eloquentiæ vel dicendi*, schools, *Id. Orat. 13. Fin. v. 3.* But *officina* and *taberna* are sometimes confounded, *Plin. x. 43. s. 60.\**

A warehouse, for paper, or books, or any merchandise, *APOTHECA*;

\* “*Officina* was originally, I conceive, *opificina*, as we have it in Plautus, *Mil. iii. 8. 7.* — ‘Si ea in opificina nesciam,’ and came soon to be contracted into *officina*, a shop for work. *Taberna*, by metath. for *Trabena*, was a sort of shed or booth, constructed of boards (*ex trabe*), and denoted any erection constructed of these materials. As contradistinguished to *officina*, I conceive that it means a shop where goods are either manufactured or sold.” — (*Crombie’s Gymn. i. p. 238.*)

a bookseller's shop, TABERNA LIBRARIA, *Cic. Phil.* ii. 9., or simply *Libraria*, *Gell.* v. 4. LIBRARIUM, a chest for holding books, *Cic. Mil.* 12.

The street, in Rome, where booksellers (*bibliopōlæ*) chiefly lived, was called ARGILETUS, *Mart.* i. 4. or that part of the Forum or street called JANUS; where was a temple or statue of the god Vertumnus, *Horat. Ep.* i. 20. 1.

### LIBRARIES.

A GREAT number of books, or the place where they were kept, was called BIBLIOTHECA, a library, *Festus*.

The first famous library was collected by Ptolemy Philadelphus at Alexandria, in Egypt, B. C. 284, containing 700,000 volumes, *Gell.* vi. 17.; the next by Attalus, or Eumēnes, King of Pergamus, *Plin.* xiii. 12.

Adjoining to the Alexandrian library was a building called MUSEUM, (i. e. *domicilium, specus vel templum musis dicatum*,) *Plin.* Ep. i. 9., for the accommodation of a college or society (*σύνδοξ*) of learned men, who were supported there at the public expense, with a covered walk and seats (*exedrae*), where they might dispute, *Strab.* 17. An additional *museum* was built there by Claudius, *Suet. Claud.* 42. MUSEUM is used by us for a repository of learned curiosities, as it seems to be by Pliny, xxvii. 2. s. 6.

A great part of the Alexandrian library was burnt by the flames of Cæsar's fleet, when he set it on fire to save himself, *Plutarch. in Cæs.* & *Dio.* 42. 38., but neither Cæsar himself nor Hirtius mentions this circumstance. It was again restored by Cleopatra, who, for that purpose, received from Antony the library of Pergamus, then consisting of 200,000 volumes, *Plutarch. in Anton.* It was totally destroyed by the Saracens, A. 642.

The first public library at Rome, and in the world as Pliny observes, was created by Asinius Pollio, [from the produce of the spoils in the Dalmatian War, A. U. 715,] *Plin.* vii. 30. xxxv. 2. in the Atrium of the temple of Liberty, *Ovid. Trist.* iii. 1. 71. on Mount Aventine, *Mart.* xii. 3. 5.

Augustus founded a Greek and Latin library in the temple of Apollo on the Palatine hill [A. U. 726], *Suet.* 29. *Dio.* liii. 1., and another in the name of his sister Octavia, adjoining to the theatre of Marcellus, *Plutarch. in Marcell.* *Ovid. Trist.* iii. 1. 60. 69.

There were several other libraries at Rome; in the Capitol, *Suet. Dom.* 20., in the temple of Peace, *Gell.* xvi. 8., in the house of Tiberius, *Gell.* xiii. 18, &c. But the chief was the *Ulpian* library, instituted by Trajan, *Gell.* xi. 17., which Dioclesian annexed as an ornament to his *Thermae*, *Vopisc. in Prob.* 2.

Many private persons [as Cicero and Lucullus] had good libraries, *Cic. Fam.* vii. 28. *Q. Fr.* iii. 4. *Att.* iv. 10. *Plutarch. in Lucull.* *Senec. de Tranq.* 9. *Horat. Od.* i. 29. 13., particularly in their country villas, *Cic. Fin.* iii. 2. *Martial.* vii. 16. *Plin. Ep.* ii. 17.

Libraries were adorned with statues and pictures, ["*Hor. Sat.* i. 4. 22." *T.*] *Suet. Tib.* 70. *Plin. Ep.* iii. 7. iv. 28., particularly of ingenious and learned men, *Plin.* xxxv. 2. *Juvenal.* ii. 7.\*, the walls and

\* These pictures or busts (*imagines*) were contained in circular escutcheons or shields: hence *cypæus* is used for the representation itself of any illustrious person:

roof with glasses, *Boeth. Consol. Plin. xxxvi. 25. Senec. Ep. 86. Stat. Silv. i. 5. 42.* The books were put in presses or cases (*ARMARIA vel CAPSÆ*) along the walls, which were sometimes numbered, *Vopisc. Tac. 8.*, called also *FORULI*, *Suet. Aug. 31. Juvenal. iii. 219.* *LOCULAMENTA*, *Senec. Tranq. 9.* *NIDI*, *Martial. i. 118.*, but these are supposed by some to denote the lesser divisions of the cases.

The keeper of a library was called a *BIBLIOTHECA*; *Bibliothecarius* is used only by later writers.

## HOUSES OF THE ROMANS.

THE houses of the Romans are supposed at first to have been nothing else but cottages (*casæ vel tuguria*), thatched with straw, *Ovid. Amor. ii. 9. 18.*; hence *CULMEN*, the roof of a house (*quod culmis tegebatur*), *Serv. in Virg. Ecl. i. 6. Æn. viii. 654.*

After the city was burnt by the Gauls [A. U. 364], it was rebuilt in a more solid and commodious manner; but the haste in building prevented attention to the regularity of the streets, *Liv. v. 55. Dio. xiv. 116.*

The houses were reared every where without distinction (*nulla distinctione passim erectæ*), *Tacit. Ann. xv. 43.*, or regard to property, (*omisso sui alienique discrimine, adeo ut forma urbis esset occupatæ magis, quàm divisæ similis*), where every one built in what part he chose, *Liv. ib.*; and till the war with Pyrrhus, the houses were covered only with shingles, or thin boards, (*SCANDULÆ vel scindulæ, i. e. tabellæ, in parvas laminas scissæ*), *Plin. xvi. 10. s. 15.\**

It was in the time of Augustus, that Rome was first adorned with magnificent buildings; hence that Emperor used to boast, that he had found it of brick, but should leave it of marble; *Marmoream se relinquere, quam lateritiam accepisset*, *Suet. Aug. 29.* The streets, however, still were narrow and irregular, *Suet. Ner. 38. Tacit. Ann. xv. 38.*, and private houses not only incommodious, but even dangerous, from their height, and being mostly built of wood, *Juvenal. iii. 133. &c. Scalis habito tribus, sed altis*, three stories high, *Martial. i. 118.*

In the time of Nero, the city was set on fire, and more than two thirds of it burnt to the ground. Of fourteen wards (*regiones*) into which Rome was divided, only four remained entire, *Tacit. Ann. xv. 40.* Nero himself was thought to have been the author of this conflagration. He beheld it from the tower of Mæcenas; and delighted, as he said, with the beauty of the flame, played the *Taking of Troy*, drest like an actor, *Suet. 38. Tacit. Ann. xv. 39, 40. 44.*

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thus Tacitus (*Ann. ii. 83.*), in describing the honours paid to the memory of Germanicus, says, 'Cum censeretur clypeus, auro et magnitudine insignis, inter auctores eloquentiæ:' which Pliny, xxxv. 3., thus explains: 'Scilicet scutis, qualiter apud Trojam pugnatum, continebantur imagines, unde et nomen habuere *Clypeorum*. Origo plena virtutis, faciem reddi in scuto cujusque, qui fuerit usus illo.' Compare *Hor. Od. i. 28, 11. Suet. Calig. 16.*: Inter reliquos honores decretus est ei clypeus aureus, i. e. clypeata imago. See *Liv. xxv. 39.*

\* "Mamurra, a Roman knight, and general of artillery to Cæsar in Gaul, where he raised an immense fortune, is said to have been the first man in Rome who incrusted his house with marble, and made all his pillars of solid marble. (Plin. Hist. xxxvi. 6)" — *Middleton's Life of Cic. ii. p. 170.*

The city was rebuilt with greater regularity and splendour. The streets were made straight and broader; the areas of the houses were measured out, and their height restricted to 70 feet, as under Augustus, *Strab.* v. p. 162. Each house had a portico before it, fronting the street, and did not communicate with any other by a common wall, as formerly. It behoved a certain part of every house to be built of Gabian or Alban stone, which was proof against fire (*ignibus impervius*), *Tacit. Ann.* xv. 53.

These regulations were subservient to ornament as well as utility. Some, however, thought that the former narrowness of the street, and height of the houses, were more conducive to health, as preventing by their shade the excessive heat, *Ibid.*

Buildings in which several families lived, were called *INSULÆ*\*: houses in which one family lived, *DOMUS* vel *ÆDES PRIVATÆ*, *Suet. Ner.* 16. 38. 44. *Tacit. Ann.* vi. 45. xv. 41. See p. 52.

We know little of the form either of the outside or inside of Roman houses, as no models of them remain. The small houses dug out of the ruins of Pompeii bear little or no resemblance to the houses of opulent Roman citizens, [being generally but of one floor.]

The principal parts were,

1. *VESTIBULUM*, which was not properly a part of the house, but an empty space before the gate, through which there was an access to it, *Gell.* xvi. 5. *Cic. Cæcin.* 12. *Plaut. Most.* iii. 130.

The vestibule of the golden palace (*aurea domus*) of Nero was so large that it contained three porticoes, a mile long each, and a pond like a sea, surrounded with buildings like a city, *Suet. Ner.* 30. Here was also a colossus of himself, or statue of enormous magnitude, 120 feet high. See p. 302.†

2. *JANUA*, *ostium* vel *foras*, the gate (*PORTA murorum et castrorum*; *JANUA parietis et domorum*), made of various kinds of wood, cedar, or cypress, *Virg. G.* ii. 442., elm, oak, &c., *Ovid. Met.* iv. 487. *Amor.* ii. 1. 25.; sometimes of iron, *Plaut. Pers.* iv. 4. 21., or brass, *Plin.* xxxiv. 3., and, especially in temples, of ivory and gold, *Cic. Verr.* iv. 56. *Plin.* viii. 10.

The gate was commonly raised above the ground, so that they had to ascend to it by steps, *Virg. Æn.* ii. 492. *Sen. Ep.* 84.

The pillars at the sides of the gates, projecting a little without the wall, were called *ANTÆ*, and the ornaments affixed to them, wrought in wood or stone, *ANTEPAGMENTA*, *Festus*.

When the gate was opened among the Romans, the folds (*VALVÆ*, *quod intus revolvantur*) bent inwards, unless it was granted to any one by a special law to open his door outwards; as to P. Valerius Poplicola, and his brother, who had twice conquered the Sabines (*ut domus eorum fores extra aperirentur*), *Plin.* xxxvi. 15., after the manner of the Athenians, whose doors opened to the street (*in publicum*); and when any one went out, he always made a noise, by striking the door on the inside, to give warning to those without to keep at a dis-

\* *I. e.* according to Niebuhr, ii. p. 299., houses divided into stories, which each occupier had in absolute ownership.

† The enclosure of Nero's palace extended from the Palatine to the Esquiline Mount, being more than a mile in breadth. It was destroyed by Vespasian, as being too gorgeous, even for a Roman emperor.

tance. Hence *CRÉPUIT FORIS*, *Concrepuit a Glycerio ostium*, the door of Glycerium hath creaked, i. e. is about to be opened, *Ter. And.* iv. 1. 59. *Hec.* iv. 1. 6. *Plaut. Amph.* i. 2. 34. This the Greeks called *ψοφῆν θύραν*; knocking from without, *κέρταρ*, *pulsare* vel *pultare*.

A slave watched (*servabat*) at the gate as porter (JANITOR), *Ovid. Fast.* i. 138., hence called OSTIARIUS, *PUER AB JANUA*, *Nep. Han.* 12. *Claustritumus*, *Gell.* xii. 10., usually in chains (*catenatus*), *Columel. præf.* 10. *Ovid. Am.* i. 6. 1. 25. [*Tibull. El.* i. 55.], which when emancipated he consecrated to the *Lares*, *Horat. Sat.* i. 5. 65., or to Saturn [in allusion to the equality of condition, which prevailed in the golden age], *Mart.* iii. 29., armed with a staff or rod (*arundo* vel *virga*), *Senec. de Const.* 14., and attended by a dog, likewise chained, *Suet. Vit.* 16. *Senec. de Ira*, iii. 37. On the porter's cell was sometimes this inscription, *CAVE CANEM*, *Petron.* 29. *Plaut. Most.* iii. 2. 162.

Dogs were also employed to guard the temples, *Cic. Sent. Rosc.* 20. *Arnob.* vi., and because they failed to give warning when the Gauls attacked the Capitol, *Liv.* v. 47., a certain number of them were annually carried through the city, and then impaled on a cross, *Plin.* xxix. 4.

Females also were sometimes set to watch the door (JANITRICES), usually old women, *Plaut. Curc.* i. 1. 76. *Tibull.* i. 7. 67. *Petron.* 55.

On festivals, at the birth of a child, or the like, the gates were adorned with green branches, flowers, and lamps, *Juvenal.* ix. 84. xii. 91., as the windows of the Jews at Rome were on sabbaths, *Senec.* 95. *Pers.* v. 180. Before the gate of Augustus, by a decree of the senate, were set up branches of laurel, as being the perpetual conqueror of his enemies, *Ovid. Trist.* iii. 1. 39. *Plin.* xv. 30. s. 39.: hence *LAUREATÆ FORÆS*, *Senec. ad Polyb.* 35., *LAURIGERI PENATES*, *Martial.* viii. 1. So a crown of oak was suspended on the top of his house, as being the preserver of his citizens, *Plin.* xvi. 3., which honour Tiberius refused, *Suet.* 26. The laurel branches seem to have been set up on each side of the gate, in the vestibule; and the civic crown to have been suspended from above between them: hence *Ovid* says of the laurel, *mediamque tuebere quercum*, *Met.* 1. 563.

The door, when shut, was secured by bars (*obices*, *claustra*, *repagula*, *vectes*), iron bolts (*pessuli*), chains, *Juv.* iii. 304., locks (*seræ*), and keys (*claves*). Hence *obdere pessulam foribus*, to bolt the door, *Ter. Heaut.* ii. 3. 37., *occludere ostium pessulis*, with two bolts, one below, and another above, *Plaut. Aul.* i. 2. 25., *uncinum immittere*, to fix the bolt with a hook; *obserare fores vel ostium*, to lock the door, *Ter. Eun.* iv. 6. 25., *seram ponere*, *Juvenal.* vi. 34., *apposita janua fulta serâ*, locked, *Ovid. Art. A.* ii. 244., *reserare*, to open, to unlock, *Ovid. Met.* x. 384., *excutere poste seram*, *Am.* i. 6. 24, &c. It appears, that the locks of the ancients were not fixed to the pannels (*impages*) of the doors with nails like ours, but were taken off when the door was opened, as our padlocks: hence, *et jaceat tacita lapsa catena serâ*, *Propert.* iv. 12. 26.

Knockers (*marculi* v. *mallei*) were fixed to the doors, or bells (*tinnabula*) hung up, as among us, *Suet. Aug.* 91. *Senec. de Ira*, iii. 35. *Dio.* liv. 4.

The porter usually asked those who knocked at the gate who they

were, *Cic. Phil.* ii. 31. He admitted or excluded such as his master directed, *Suet. Oth.* 3. *Senec. Ep.* 47. Sometimes he was ordered to deny his master's being at home, *Cic. Orat.* ii. 68. *Martial.* ii. 5. v. 23. *Ovid. Art. Am.* ii. 521.

Besides the *janitor*, the emperors and great men had persons who watched or kept guard in the vestibule (*EXCUBIÆ vel CUSTODIA*), *Tacit. Ann.* xv. 52. [*Hist.* iv. 11.], to which Virgil alludes, *Æn.* vi. 555. 574.

A door in the back part of the house was called *POSTICUM*, vel *posticum ostium*, *Plaut. Stich.* iii. 1. 40. *Horat. Ep.* i. 5. 31., or *PSEUDOTHYRUM*, v. -on, *Cic. Verr.* ii. 20. Red. in Senat. 6., that in the fore-part, *ANTICUM*, *Festus*.

3. The *Janua*, or principal gate, was the entrance to the *ATRIUM*, or *AULA*, the court or hall, which appears to have been a large oblong square, surrounded with covered or arched galleries (*porticus tectæ vel laqueatæ*), *Auson. Eidyll.* x. 49.

Three sides of the *Atrium* were supported on pillars, in later times, of marble, *Plin.* xvii. 1. xxxvi. 2. 3.

The side opposite to the gate was called *TABLINUM*; and the other two sides, *ALÆ*, *Vitruv.* vi. 4.

The *tablinum* was filled with books, and the records of what any one had done in his magistracy, *Plin.* xxxv. 2.\*

In the *atrium*, the nuptial couch was erected. See p. 411. The mistress of the family, with her maid-servants, wrought at spinning and weaving, *Cic. Mil.* 5. *Nep. Præf.* (*In medio ædium*, i. e. in atrio, *Liv.* i. 57.)

The ancient Romans used every method to encourage domestic industry in women. Spinning and weaving constituted their chief employment.

To this the rites of marriage directed their attention. See p. 410. Hence the frequent allusions to it in the poets, *Virg. Æn.* viii. 408. ix. 488., and the *atrium* seems to have been the place appropriated for their working (*ex vetere more in atrio telæ texebantur*, *Ascon.* in *Cic. pro Mil.* 5.), that their industry might be conspicuous. Hence the qualities of a good wife (*morigeræ uxoris*): *probitas, forma, fides, fama pudicitiae, lanificæque manus*, *Auson. Parent.* iii. 3. xvi. 3. But in after-times, women of rank and fortune became so luxurious and indolent, that they thought this attention below them. *Nunc pleræque sic luxu et inertia defluunt, ut ne lanificii quidem curam suscipere dignentur*, *Columel.* xii. procem. 9. On this account, slaves only were employed in spinning and weaving (*TEXTORES et TEXTRICES, lanifici, et -æ*), and a particular place appropriated to them, where they wrought (*TEXTRINA, vel -UM*). Thus Verres appointed in Sicily, *Cic. Verr.* iv. 26.

The principal manufacture was of wool; for although there were those who made linen, *LINTEONES*, *Plaut. Aul.* iii. 5. 38. *Serv. in Æn.* vii. 14., and a robe of linen (*vestis lintea*) seems to have been highly valued, *Cic. Verr.* v. 56., yet it was not much worn.

The principal parts of the woollen manufacture are described by *Ovid, Met.* vi. 53.; dressing the wool; picking or teasing, combing, and carding it (*lanam carpere, pectere v. pectinare, carminare, &c.*); spinning (*nere*, poet. *ducere vel trahere*) with a distaff (*COLUS*) and

\* Or a sort of office, where the master transacted business relating to his estate.



spindle (*fusus*); winding or forming the thread into clews (*glomerare*); dying (*tingere, fucare, fucio medicare*).

The wool seems to have been sometimes put up in round balls (*glomerari in orbes*) before it was spun, *Ovid. ibid.* 19. *Horat. Ep. i.* 13, 14.

Wool, when new cut (*recens tonsa*), with its natural moisture, was called SUCCIDA (*a succo, Varr.*), so *mulier succida*, plump, *Plaut. Mil. iii.* 1. 193. It used to be anointed with wine or oil, or swine's grease, to prepare it for being dyed, *Juvenal. v.* 24. *Plin. viii.* 48. xxix. 2. *Varr. R. R. ii.* 11.

The loom (*machina in qua tela texitur*), or at least that part to which the web was tied, was called JUGUM, a cylinder or round beam across two other beams, in this form, Π, resembling the *jugum ignominiosum*, under which vanquished enemies were made to pass, *Festus, Liv. iii.* 28.

The threads or thrums which tied the web to the *jugum* were called LICIA; the threads extended longwise, and alternately raised and depressed, STAMEN, the warp (*a stando*), because the ancients stood when they wove, placing the web perpendicularly (whence *Radio stantis* (i.e. *pendentis percurrens stamina tela*, *Ovid. Met. iv.* 275.), and wrought upwards (*in altitudinem, vel sursum versum*, *Festus*), which method was dropped, except by the linen-weavers (LINTONES), and in weaving the *Tunica Recta*, *Ib.*

The threads inserted into the warp were called SUBTEMEN, the *woof* or *weft* (*quasi subteximen vel substamen*), some read *subtegmen*, but improperly: the instrument which separated the threads of the warp, ARUNDO, the reed; which inserted the woof into the warp, RADIUS, the shuttle; which fixed it when inserted, PECTEN, the lay, *Ovid. Met. vi.* 53., *vel SPATHA, Senec. Ep. 91.\** When the web was woven upright, a thin piece of wood, like a sword, seems to have been used for this purpose; as in the weaving of Arras, of Turkey carpeting, &c., in which alone the upright mode of working is now retained, the weft is driven up with an instrument somewhat like a hand with the fingers stretched out, made of lead or iron. It is doubtful whether the ancients made use of the *reed* and *lay* for driving up the weft, as the moderns do. The principal part of the machinery of a loom, vulgarly called the *Caam* or *Hiddles*, composed of *eyed* or *hooked* threads, through which the warp passes, and which, being alternately raised and depressed by the motion of the feet on the *Treadles*, raises or depresses the warp, and makes the *shed* for transmitting the shuttle with the weft, or something similar, seems also to have been called LICIA; hence *Licia telæ addere*, to prepare the web for weaving, to begin to weave, *Virg. G. i.* 285.

When figures were to be woven on cloth, several threads of the warp of different colours were alternately raised and depressed; and in like manner, the woof was inserted. If, for instance, three rows of threads (*tria licia*) of different colours were raised or inserted together, the cloth was called TRILIX, wrought with a triple tissue or

\* *Lucret. v.* 1352.

"*Insilia, ac fusi, radii, scapique sonantes.*"

*Insilia*, the treadles; *scapus*, the yarn-beam.

warp, which admitted the raising of threads of any particular colour or quality at pleasure, *Virg. Æn.* iii. 467. v. 259. vii. 639. So *BILIX*, *Id.* xii. 375. Hence the art of mixing colours or gold and silver in cloth: thus, *Fert picturatas auri subtemine vestes*, figured with a weft of gold, *Virg. Æn.* iii. 483. The warp was also called *TRAMA*, *Senec. Ep.* 91. Hence *trama figuræ*, skin and bones, like a threadbare coat, *Pers.* vi. 73.; but Servius makes *trama* the same with *subtēmen*, *Virg. Æn.* iii. 483.

The art of embroidering cloth with needle-work (*acu pingere*) is said to have been first invented by the Phrygians; whence such vests were called *PHRYGIONIÆ*, *Plin.* viii. 48. s. 74.—the interweaving of gold (*aurum intexere*), by King Attalus; whence *VESTES ATTALICÆ*, *Ib.* & *Propert.* iii. 18, 19.—the interweaving of different colours (*colores diversas picturæ intexere*) by the Babylonians; hangings and furniture of which kinds of cloth for a dining-room (*trichiniaria Baby-lonica*) cost Nero £32,281 : 13 : 4, *quadragies sestertio*; and even in the time of Cato cost 800,000 *sestertii*, *Plin.* *ibid.*—the raising of several threads at once (*plurimis liciis texere*) by the people of Alexandria in Egypt, which produced a cloth similar to the Babylonian, called *POLYMITA* (*ex πολλῶς, multus, et μέγας, filum*), *Ib.* & *Martial.* xiv. 150. *Isidor.* xix. 22., wrought, as weavers say, with a *many-leaved caam* or *comb*. The art of mixing silver in cloth (*argentum in fila deducere, et filis argenteis vestimenta contexere*), was not invented till under the Greek emperors; when clothes of that kind of stuff came to be much used under the name of *VESTIMENTA SYRMATINA*, *Salmas. ad Vopisci Aurelian.* 46.

From the operation of spinning and weaving, *FILUM*, a thread, is often put for a style or manner of writing, *Cic. Læl.* 7. *Orat.* ii. 22. iii. 26. *Fam.* ix. 12. *Gell.* xx. 5., and *DUCERE* or *DEDUCERE*, to write or compose, *Juvenal.* vii. 74.; thus, *Tenaci deducta poemata filo*, i. e. *subtiliore stylo scripta*, *Horat. Ep.* ii. 1. 225. So *deductum dicere carmen*, to sing a pastoral poem, written in a simple or humble style, *Virg. Ecl.* vi. 5.—*Ovid. Trist.* i. 10. 18. *Ep.* xvii. 88. *Pont.* i. 5. 7. 13.; also *TEXERE*, *Cic. Fam.* ix. 21. *Q. Fratr.* iii. 5., and *subtexere*, to subjoin, *Tibull.* iv. 1. 211.

In the *Atrium* anciently the family used to sup, *Serv. in Virg. Æn.* i. 726. iii. 353., where likewise was the kitchen (*CULINA*), *Ibid.*

In the *Atrium*, the nobility placed the images of their ancestors (see p. 28.), the clients used to wait on their patrons, *Horat. ib.* i. 5. 31. *Juvenal.* vii. 71., and received the *sportula*. See p. 393.

The *Atrium* was also adorned with pictures, statues, plate, &c., and the place where these were kept was called *PINACOTHECA*, *Plin.* xxxv. 2. *Petron.* 29. 83.

In later times, the *Atrium* seems to have been divided into different parts, separated from one another by hangings or veils (*vela*), into which persons were admitted, according to their different degrees of favour, whence they were called *amici ADMISSIONIS primæ, secundæ, vel tertiæ*; which distinction is said to have been first made by C. Gracchus and Livius Drusus, *Senec. de Benef.* vi. 33, 34. *Clem.* i. 10. Hence those who admitted persons into the presence of the emperor, were called *EX OFFICIO ADMISSIONES*, *Suet. Vesp.* 14., vel

ADMISSIONALES, [vel *ab admissione*, chamberlains,] *Lamprid. in Alex.* 4., and the chief of them, MAGISTER ADMISSIONUM, master of ceremonies, *Vopisc. Aurelian.* 12., usually freed-men, who used to be very insolent under weak or wicked princes, *Plin.* xxxiii. 3., and even to take money for admission, *Senec. Const. Sapient.* 14., but not so under good princes, *Plin. Paneg.* 47.

There was likewise an *atrium* in temples; thus, *atrium Libertatis*, *Cic. Mil.* 22. *Liv.* xxxv. 7. *Tacit. Hist.* i. 31. *Atrium publicum in Capitolio*, *Liv.* xxiv. 10.

In the hall there was a hearth (FOCUS), on which a fire was kept always burning near the gate, under the charge of the janitor, *Ovid. Fast.* i. 135.; around it the images of the *Lares* were placed; whence *Lar* is put for *focus*, *Ibid.*

The ancients had not chimneys for conveying the smoke through the walls, as we have; hence they were much infested with it, *Horat. Sat.* i. 5. 81. *Vitruv.* vii. 3.; hence also the images in the hall are called FUMOSÆ, *Cic. Pis.* 1. *Juvenal.* viii. 8., and December FUMOSUS, from the use of fires in that month, *Martial.* v. 31. 5.

They burnt wood, *Horat. Od.* i. 9. 5., which they were at great pains to dry, *Id.* iii. 17. 14., and anoint with the lees of oil (*amurca*), to prevent smoke, xv. 8., hence called *ligna ACAPNA*, (*ex a priv. et κάπρος*, *fumus*), *Mart.* xiii. 15. vel *COCTA*, ne *fumum faciant*, *Ulpian. de Legg.* iii. 1. 53. *Cato de R. R.* c. 133.

The Romans used portable furnaces (*camini portabiles*, *fornaces*, vel *-cūlæ*, *foculi*, *ignitabula* vel *eschæræ*) for carrying embers and burning coals (*prunæ* vel *carbones igniti*) to warm the different apartments of a house, *Suet. Tib.* 74. *Vit.* 8., which seem to have been placed in the middle of the room, *Cato de Re Rust.* 18. *Colum.* xi. 1.

In the time of Seneca, a method was contrived of conveying heat from a furnace below [*hypocaustum*], by means of tubes or canals affixed to the walls (*per tubos parietibus impressos*), which warmed the rooms more equally, *Senec. Ep.* 90. *de Provid.* 4.

4. An open place in the centre of the house, where the rain-water fell, and which admitted light from above, was called IMPLUVIUM, or *Compluvium*, *Festus*, *Varro de L. L.* iv. 33. *Ascon. in Cic. Verr.* i. 23. *Liv.* xliii. 15., also CAVÆDIUM, or *Cavum ædium*, *Varr.* *ibid.* *Plin. Ep.* ii. 17., commonly uncovered (*subdivale*); if not, from its arched roof, called TESTUDO, *Varr. ibid.*\*

*Vitruvius* directs, that it should not be more than the third, nor less than the fourth part of the breadth of the *Atrium*, vi. 4.

The slave who had the charge of the *Atrium*, and what it contained, was called ATRIENSIS, *Petron.* 25. He held the first rank among his fellow-slaves, *Cic. Top.* 5. *Plaut. Asin.* ii. 3. 80., and exercised authority over them, *Id.* ii. 4. 18.

5. The sleeping apartments in a house were called CUBICULA *dormitoria* vel *nocturna*, *noctis*, et *somni*; for there were also *cubicula diurna*, for reposing in the day-time, *Plin. Ep.* i. 3. ii. 17. v. 6.

Each of these had commonly an ante-chamber adjoining (*PROCÆTUM* vel *Procestrium*), *Ibid.*

\* When sufficiently large, it was encircled by a colonnade, contained a reservoir of water, or frequently a fountain, and was arranged with a view to ornament as well as utility.

There were also in bed-chambers places for holding books, inserted in the walls (*armaria parieti inserta*), *Id. ii. 17.*

Any room or apartment in the inner part of the house, under lock and key, as we say, was called CONCLAVE, vel -ium, *Ter. Heaut. v. 1. 29.* (*a con et clavis, quòd unâ clavi clauditur, Festus; vel quòd intra eum locum loca multa et cubicula clausa sunt, adhærentia triclinio, Donat. in Ter. Eun. iii. 5. 35.*), put also for the TRICLINIUM, *Cic. Verr. iv. 26. Orat. ii. 86. Quinctil. ix. 2. Horat. Sat. ii. 6. 113.*

Among the Greeks, the women had a separate apartment from the men, called GYNÆCEUM (*γυναικείον*), *Cic. Phil. ii. 37. Ter. Phorm. v. 5. 22.*

The slaves who took care of the bed-chamber were called CUBICULARII, *Cic. Att. vi. 14. Suet. Tib. 21.*, or CUBICULARES, *Id. Ner. 38.*, the chief of them, PRÆPOSITUS CUBICULO, vel DECURIO CUBICULARIORUM, *Suet. Dom. 16, 17.* They were usually in great favour with their masters, and introduced such as wanted to see them, *Cic. ibid.* For the emperors often gave audience in their bed-chamber; the doors of which had hangings or curtains suspended before them (*foribus prætenta vela*), *Tacit. Ann. xiii. 5. Suet. Cl. 10.* which were drawn up (*levabantur*) when any one entered, *Senec. Ep. 81.*

The eating apartments were called *Cænationes, Cænacula, vel Triclinia.* See p. 379.

A parlour for supping or sitting in was called DIÆTA, *Plin. Ep. ii. 17. Suet. Cl. 10.*; sometimes several apartments joined together were called by that name, or ZETA, *Plin. Ep. ii. 17. v. 6.*; and a small apartment or alcove, which might be joined to the principal apartment, or separated from it at pleasure, by means of curtains and windows, ZOTHECA, vel -cula, *Ibid.*

DIÆTA, in the civil law, is often put for a pleasure-house in a garden: so *Plin. Ep. ii. 17.*; and by Cicero, for diet, or a certain mode of living, for the cure of a disease, *Att. iv. 3.* It is sometimes confounded with *cubiculum*, *Plin. Ep. vi. 16.*

An apartment for basking in the sun was called SOLARIUM, *Plaut. Mil. ii. 4. 25. Suet. Cl. 10.*, which Nero appointed to be made on the portico before the house, *Id. Ner. 16.*, or HELIOCAMINUS, *Plin. ib.*

The apartments of a house were variously constructed, and arranged at different times, and according to the different taste of individuals.

The Roman houses were covered with tiles (*tegulae*) of a considerable breadth; hence bricks and tiles are mentioned in Vitruvius and ancient monuments two feet broad (*bipedales*); and a garret (*oenaculum*) covered by one tile, *Suet. Gramm. 11.* When war was declared against Antony, the senators were taxed at 4 *oboli*, or 10 *asses*, for every tile on their houses, whether their own property or hired, *Dio. xlv. 31.* In Nonius Marcellus we read, *In singulas tegulas impositis sexcentis sexcenties confici posse*, c. iv. 93. But here *sexcentis* is supposed to be by mistake for *sex nummis*, or *singulas tegulas* to be put for *singula tecta*, each roof.

The roofs (*tecta*) of the Roman houses seem to have been generally of an angular form, like ours, the top or highest part of which was called FASTIGIUM, *Festus, Virg. Æn. i. 442. ii. 458. 758.*, hence *operi fastigium imponere*, to finish, *Cic. Off. iii. 7.*; put also for the

whole roof, *Cic. Orat. iii. 46. Q. Fr. iii. 1. 4.*, but particularly for a certain part on the top of the front of temples, where inscriptions were made, *Plin. Paneg. 54.*, and statues erected, *Plin. xxxv. 12. s. 45. xxxvi. 5.* Hence it was decreed by the Senate, that Julius Cæsar might add a *Fastigium* to the front of his house, and adorn it in the same manner as a temple, *Flor. iv. 2. Cic. Phil. ii. 48.*, which, the night before he was slain, his wife Calpurnia dreamt had fallen down, *Suet. Jul. 81. Plutarch. in Cæs. p. 738.*

From the sloping of the sides of the roof of a house, *FASTIGIUM* is put for any declivity; hence *Cleacæ fastigio ductæ*, sloping, *Liv. i. 38.* So *Cæs. B. C. i. 45. ii. 24.* *FASTIGIATUS*, bending or sloping, *Cæs. B. G. ii. 8.*, and from its proper signification, viz. the summit or top, it is put for *dignity* or *rank*; thus, *Curatio altior fastigio suo*, a charge superior to his rank, *Liv. ii. 27.*; *Pari fastigio stetit*, with equal dignity, *Nep. xxv. 14.*; *In consulare fastigium proventus*, to the honour of consul, *Vell. ii. 69.*, or for any *head* of discourse; *Summa sequar fastigia rerum*, I will recount the chief circumstances, *Virg. Æn. i. 346.*; also for depth, as *altitudo*, *Serv. in Virg. G. ii. 288.* The centre of the inner part of a round roof of a temple, where the beams joined, was called *THOLUS*, *Serv. in Virg. Æn. ix. 480. Ovid. Fast. vi. 296.*, the front of which, or the space above the door, was also called *FASTIGIUM*, *Virg. ibid.* But any round roof was called *THOLUS*, *Martial. ii. 59. Vitruv. i. 7. 5.*, as that of Vesta, resembling the concave hemisphere of the sky, *Ovid. Fast. vi. 282. 296.\** Whence, Dio says, that the Panthæon of Agrippa had its name, because, from the roundness of its figure (*δολιαιδὲς ὄν*), it resembled heaven, the abode of the gods, *liii. 27.* From the *Tholus* offerings consecrated to the gods, as spoils taken in war, &c. used to be suspended, or fixed to the *Fastigium*, *Virg. ib.*, and on the top of the *Tholus*, on the outside, statues were sometimes placed, *Mart. i. 71. 10.*

The ancient Romans had only openings (*foramina*) in the walls to admit the light, *FENESTRÆ*, windows, (from *φαίρω*, *ostendo*; hence *oculi et aures sunt quasi fenestræ animi*, *Cic. Tusc. 1. 20.*), covered with two folding leaves (*bifores valvæ*), of wood, *Ovid. Pont. iii. 5. Amor. i. 5. 3.*, and sometimes a curtain, *Juvenal. ix. 105.*, hence said to be joined, when shut, *Horat. Od. i. 25.*, *Cubiculum ne diem quidem sentit, nisi apertis fenestris*, *Plin. ii. 17. ix. 36.*, sometimes covered with a net (*fenestræ RETICULATÆ ne quod animal maleficum introire queat*, *Varr. R. R. iii. 7.*)†, occasionally shaded by curtains (*obductis velis*), *Plin. Ep. vii. 21.*

Under the first emperors, windows were contrived of a certain transparent stone [or *talc*], called *LAPIS SPECULARIS* [or *Phenigites*], found first in Spain, and afterwards in Cyprus, Cappadocia,

\* “The *tholos* mentioned by Homer and other Greek authors, and which is usually translated a *dome*, signified, as Lord Aberdeen observes, merely a building on a circular plan, without regard to the roof, which, in works of that kind, is supposed to have been frequently of timber, and of a conical form; and the roof of the monument of Lysicrates, at Athens, is merely a mass of stone resting vertically on the side walls of the building.” — *Encyc. Metr. art. Architecture.*

† Or a kind of lattice-work, *Virg. Æn. iii. 151.*: — “qua se Plena per insertas fundebat Luna fenestras.”

Sicily, and Africa, which might be split into thin leaves (*finditur in quamlibet tenues crustas*), like slate, but not above five feet long each, *Senec. Ep.* 90. *Plin.* xxxvi. 22. s. 45. What this stone was is uncertain.

Windows, however, of that kind (SPECULARIA) were used only in the principal apartments of great houses, *Senec. Ep.* 86. *Nat. Q.* iv. 13., in gardens, *Plin.* xv. 16. xix. 5. *Martial.* viii. 14., called PERSPICUA GEMMA, *Ib.* 68., in porticcs, *Plin. Ep.* ii. 17., in sedans (*lecticæ*), *Juvenal.* iv. 21., or the like.

Paper, linen cloth, and horn, seem likewise to have been used for windows; hence CORNEUM SPECULAR, *Tertullian. de Anim.* 53.

The Romans did not use glass for windows, although they used it for other purposes, particularly for mirrors (*specula*)\* [and cinerary urns], nor is it yet universally used in Italy, on account of the heat.† Glass was first invented in Phœnicia accidentally, by mariners burning nitre on the sand of the sea-shore, *Plin.* xxxvi. 26. s. 65.‡

Glass windows (*vitrea specularia*) are not mentioned till about the middle of the fourth century by *Hieronimus* (*St. Jerome*) *ad Ezech.* xl. 16.; first used in England, A. 1177; first made there, 1558; but plate glass for coaches and looking glasses not till 1673.

The Romans, in later times, adorned the pavements of their houses with small pieces (*crustæ*, vel -a) [vel *scutulæ*] of marble, of different kinds and different colours§, curiously joined together, called PAVIMENTA SECTILIA, *Suet. Cæs.* 46. (*λιθόστρωτα*, *Varro*), vel EMBLEMATA VERMICULATA, *Cic. Orat.* iii. 43., or with small pebbles (*calculi* vel *tesserae*, s. -ulæ), dyed in various colours; hence called PAVIMENTA TESSELLATA, *Suet. ib.*, used likewise, and most frequently, in ceilings, *Lucan.* x. 114., in after-times called *opus musæum* vel *musivum*, Mosaic work, probably because first used in caves or grottos consecrated to the Muses (*musæa*), *Plin.* xxxvi. 21. s. 42. The walls also used to be covered with crusts of marble, *Ib.* 6. ||

\* "Pliny (xxxiii. 45.) tells us, that the best mirrors were made, in his day, of silver, which had been used for that purpose since the days of Pompey. He mentions, that there was a contrivance for affixing gold to the back of the silver, which gave a better reflection. Glass mirrors are first mentioned in a work attributed to Alexander Aphrodisius, who lived at the end of the second century." — *Burton's Antiq.* i. p. 310.

† "An entire casement glazed with panes of thick green glass, set in lead, was discovered in the ruins of an ancient villa in the neighbourhood of Pompeii. (*Sir W. Gell's Pompeiana*.)" — *Sketches of the Institutions of the Romans*, p. 183.

‡ The best glass was manufactured in Egypt, from a peculiar sand found there. *Strabo, Geogr.* p. 1077. ed. Oxon. 1807. "Pliny ascribes the invention of glass to a period about 1000 years antecedent to the Christian æra; but it probably was still more ancient, as the mummies of the Thebais, which are supposed to be six centuries older, are said to have been decorated with glass beads." — *Sketches of the Institutions, &c. of the Romans*, p. 309. Horace's comparison of the fountain of Bandusia to glass (*O fons Bandusiae, splendidior vitro*, *Od.* iii. 13.) is some evidence that it was brought to perfection in his time. So Ovid (*Met.* xiii. 792.) styles *Galatea, splendidior vitro*.

§ "Hor. Sat. ii. 4. 82. 'Ten' lapides varios lutulenta radere palma?' They were at great pains to keep the pavements clean, which they swept, first sprinkling saw-dust (*scobs*) over them: *Hor. l. c.* 81. *Juv.* xiv. 60." — *T.*

|| "The very rapidity with which luxury advanced from the first moment of its appearance, bespoke its hostile character. Tessellated pavements were unknown at



Ceilings were often adorned with ivory, and fretted or formed into raised work and hollows (*laqueata tecta*, Cic. Legg. ii. 1.) [Hor. Od. ii. 16. 11.] LAQUEARIA vel LACUNARIA, from *lacus* or *lacuna*, the hollow interstice between the beams, Serv. in Virg. *Æn.* 1. 726., gilt (*aurea*, Ibid. and Horat. Od. ii. 18., *inaurata*, Plin. xxxiii. 3.), and painted, Plin. xxxv. 11. s. 40. Nero made the ceiling of his dining-room to shift, and exhibit new appearances, [rather, the motions of the heavens,] as the different courses or dishes were removed, Senec. Ep. 90. Suet. Ner. 31.\*

## VILLAS AND GARDENS OF THE ROMANS.

THE magnificence of the Romans was chiefly conspicuous in their country villas, Cic. de Legg. iii. 13.†

VILLA originally denoted a farm-house and its appurtenances, or the accommodations requisite for a husbandman (*quasi VELLA, quo fructus vehebant, & unde vehebant, cum venderentur*, Varr. R. R. i. 2. 14.); hence the overseer of a farm was called VILLICUS [Hor. Epist. xiv. 1.], and his wife (UXOR liberi, et CONTUBERNALIS servi) VILLICA. But when luxury was introduced, the name of *villa* was applied to a number of buildings reared for accommodating the family of an opulent Roman citizen in the country, Cic. Rosc. Com. 12. [especially at Tibur, belonging to Horace, Mæcenas, Catullus; of

Rome before the æra of Sylla (Plin. H. N. xxxvi. 25.); by Cæsar they appear to have been considered a part of the necessary furniture of his camp. When Lepidus, during his consulship, adorned his threshold with Numidian marble, which he had been the first to import, the unprecedented magnificence of his dwelling called forth loud reprehension from his countrymen: within forty years, a hundred houses had arisen in Rome which entirely eclipsed his own, and these, in their turn, yielded the palm to the golden palace of Nero; while marble, the natural diversities of which were gaudily variegated by artificial colouring, was then so lavishly employed, that the eye, wearied with its perpetual recurrence, sought in vain, even in the grove of Egeria, for a glimpse of fresh herbage, and the native sandstone. (Juven. iii. 17.) Stone was first painted in the reign of Claudius; marble in that of Nero. (Plin. H. N. xxxv. 1.)" — *Anstice's Prize Essay*, p. 48.

\* "In the baths of Titus, there are paintings on the ceiling which may be called extremely perfect. The damp seems to have had no effect upon them, which is probably owing to the excellence of the Roman brickwork. They consist chiefly of arabesques, with all the figures very small, forming little borders and patterns of birds, beasts, &c., among which some green parrots may be seen very distinctly. Vitruvius seems to give the name of *topiarium opus* to this style of painting. (v. 8. viii. 5.)" — *Burton's Antiq.* i. p. 316.

† "The bay of Baïæ is lined with ruins, the remains of the villas and the baths of the Romans; some advance a considerable way out, and, though now under the waves, are easily distinguishable in fine weather. The taste for building in the waters, and encroaching on the sea, to which Horace alludes (Od. ii. 18.), is exemplified in a very striking manner all along this coast." — *Eustace's Classical Tour*, vol. ii. p. 410. "The most perfect and most curious object that has been yet discovered at Pompeii is a villa at a little distance from the town. It consists of three courts; in the first and largest is a pond, and in the centre an edicula or little temple: there are numerous apartments of every description paved in mosaic, coloured and adorned with various paintings on the walls, all in a very beautiful style. The baths in this villa seem to have been the principal object of luxurious indulgence, and are laid out with a refinement of art and contrivance that can receive few or no improvements from all our modern inventions." — *Ibid.* vol. iii. p. 47.

Cicero, at Cuma, Pompeii, Formiæ; of Pliny, at Tifernum; of Scipio Africanus, at Liternum; of Nero, at Baiæ, &c.; of Lucullus, afterwards of Tiberius, at Misenum Portus, *Phædr.* v. 2.]: hence some of them are said to have been built in the manner of cities, *in urbium modum exædificatæ*, Sallust. Cat. 12. *Ædificia privata, laxitatem urbium magnarum vincentia*, Senec. Benef. vii. 10. Ep. 90.\* Horat. Od. ii. 15. iii. 1. 33. [Epod. i. 29.]

A villa of this kind was divided into three parts, URBANA, RUSTICA, and FRUCTUARIA. The first contained dining-rooms, parlours, bed-chambers, baths, tennis-courts, walks, terraces (*xysti*), &c. adapted to the different seasons of the year. The *villa rustica* contained accommodations for the various tribes of slaves and workmen, stables, &c., and the *Fructuaria*, wine and oil-cellars, corn-yards (*stœnia et palearia*), barns, granaries, storehouses, repositories for preserving fruits (*oporothece*), &c., Columel. i. 6. 2., &c.

Cato and Varro include both the last parts under the name of VILLA RUSTICA, Cat. de R. R. iii. 1. ix. 1. Varr. xiii. 6. But the name of *villa* is often applied to the first alone, without the other two, and called by Vitruvius PSEUDO-URBANA; by others PRÆTORIUM, Pallad. 1. 8. Suet. Aug. 72. Cal. 37. Tit. 8.

In every *villa* there commonly was a tower; in the upper part of which was a supping-room (*cœnatio*), where the guests, while reclining at table, might enjoy at the same time a pleasant prospect, Plin. Ep. ii. 17.

Adjoining to the VILLA RUSTICA, were places for keeping hens, GALLINARIUM; geese, CHENOBOSCIUM; ducks and wild fowl, NESOTROPHIUM; birds, *ornithon* vel AVIARIUM; dormice, GLIRARIUM; swine, SUILE, &c. *stabulum, et haræ*, hogsties; hares, rabbits, &c., LEPORARIUM, a warren; bees, APIARIUM; and even snails, COCHLEARE, &c.

There was a large park, of fifty acres or more (*παράδεισος*), for deer and wild beasts, THERIOTROPHIUM vel VIVARIUM, Gell. ii. 20., but the last word is applied also to a fish-pond (PISCINA), Juvenal. iv. 51., or an oyster-bed, Plin. ix. 54., or any place where live animals were kept for pleasure or profit. Hence *in vivaria mittere*, i. e. *lactare, muneribus et observantiâ omni alicujus hæreditatem captare*, to court one for his money, Horat. Ep. i. 1. 79. *Ad vivaria currunt*, to good quarters, to a place where plenty of spoil is to be had, Juvenal. iii. 308.

The Romans were uncommonly fond of gardens (HORTUS vel ORTUS, *ubi arbores et olera oriuntur*), as, indeed, all the ancients were; hence the fabulous gardens and golden apples of the HESPERIDES Virg. Æn. iv. 484., of Adonis and Alcinous, Ib. G. ii. 87. Ovid Am. i. 10. 56. Pont. iv. 2. 10. Stat. Silv. i. 3. 81., the hanging

\* Seneca observes, that the villas of all the great captains of Rome were built on hills, or the highest ground that they could find; it being thought more military to command the view of the country beneath them, and that houses so situate had the appearance of a camp rather than a villa. (Epist. 51.) Such was the situation of Cicero's Tusculan house, which had belonged to Sylla the dictator. Some writers reckon up eighteen villas belonging to Cicero, which may serve to give us some idea of the wealth of the Romans.

gardens (*pensiles horti*) of Semirāmis, or of Cyrus at Babylon, *Plin.* xix. 4., the gardens of Epicurus, put for his *gymnasium*, or school, *Ibid. et Cic. Att.* xii. 23. *Fin.* v. 3.

In the laws of the Twelve Tables *villa* is not mentioned, but *hortus* in place of it, *Plin. ibid.* The husbandmen called a garden *altera succidia*, a second dessert, or fitch of bacon, (*perna, petāso vel lardum*), which was always ready to be cut, *Cic. Sen.* 16., or a salad (*ACETARIA*, -orum, *facilia concoqui, nec oneratura sensum cibo*, *Plin.* xix. 4. s. 19.) and judged there must be a bad housewife (*nequam mater familias*, for this was her charge) in that house where the garden was in bad order (*indiligens hortus*, i. e. *indiligenter cultus*). Even in the city, the common people used to have representations of gardens in their windows, *Plin. ibid.* [*Hor. Epist.* i. 10. 24.]

In ancient times, the garden was chiefly stored with fruit-trees and pot-herbs (*ex horto enim plebei macellum*, *Ib.*), hence called *HORTUS PINGUIS*, the kitchen-garden, *Virg. G.* iv. 118. *Plin. Ep.* ii. 17., and noble families were denominated not only from the cultivation of certain kinds of pulse (*leguminae*), *Fabii*, *Lentuli*, *Pisones*, &c., but also of lettuce, *Lactucini*, *Plin.* xix. 4. s. 19. 3.

But in after-times the chief attention was paid to the rearing of shady trees, *Horat. Od.* ii. 14. 22. et ii. 15. 4. *Ovid. Nux.* 29., &c., aromatic plants, flowers, and evergreens; as the *myrtle*, *ivy*, *laurel*, *boxwood*, &c. These, for the sake of ornament, were twisted and cut into various figures by slaves trained for that purpose, called *TOPIARII*, *Plin. Ep.* iii. 19., who were said *TOPIARIAM*, sc. *artem FACERE*, *Cic. Q. Fr.* iii. 1. 2., vel *OPUS TOPIARIUM*, *Plin.* xv. 30.\*

Gardens were adorned with the most beautiful statues, *Cic. Dom.* 43. *Plin. Ep.* viii. 18. f. Here the Romans, when they chose it, lived in retirement, *Cic. Att.* xii. 40. *Suet. Cl.* 5. *Tacit. Ann.* xvi. 34., and entertained their friends, *Senec. Ep.* 21. *Mart.* iv. 64.

The Romans were particularly careful to have their gardens well watered (*rigui vel irrigui*); and for that purpose, if there was no water in the ground, it was conveyed in pipes, (*inducebatur per canales, vel fistulas aquarias*, *Plin. Ep.* v. 6., *per tubos plumbeos, vel ligneos*, *Plin.* xvi. 42. s. 81., vel *fictiles, seu testaceos*, *Id.* xxxi. 6. s. 31.). These aqueducts (*ductus aquarum*) were sometimes so large, that they went by the name of *NILI* and *EURIPI*, *Cic. Legg.* ii. 1.

The gardens at Rome most frequently mentioned by the classics, were, *horti CÆSARIS*†, *Horat. Sat.* i. 9. 18. *Suet.* 83.; *LUCULLI*, *Tacit. Ann.* xi. 1. 37.; *MARTIALIS*, iv. 64.; *NERONIS*, *Tacit. Ann.* xiv. 3. xv. 44.; *POMPEII*, *Cic. Phil.* ii. 29.; *SALLUSTII*, v. -IANI, the property first of Sallust the historian, then of his grand-nephew and adopted son, *Tacit. Ann.* iii. 30.; afterwards of the emperors, *Id.* xiii. 47. *Hist.* iii. 82.; *SENECÆ*, *Id.* xiv. 52. *Juvenal.* x. 16.; *TARQUINII SUPERBI*, the most ancient in the city, *Liv.* i. 54. *Ovid. Fast.* ii. 703., &c.

Adjoining to the garden were beautiful walks (*ambulacra*, vel

\* "The Romans seem to have had little perception of the minuter beauties of landscape. According to Beckmann (*Hist. of Inven.*), they had no flower-gardens. Alleys, avenues, and alcoves supplied their place." — *Anstice's Essay*, p. 15.

† On the banks of the Tibur, at the foot of the Janiculum, which he bequeathed to the Roman people.

-tiones), shaded with trees, and a place for exercise (*palæstra*), Cic. Legg. ii. 2. Gell. i. 2.

Trees were often reared with great care round houses in the city, Horat. Ep. i. 10. 22. Tibull. iii. 3. 15., and statues placed among them, Cic. Verr. i. 19.\*

## AGRICULTURE OF THE ROMANS.

THE ancient Romans were so devoted to agriculture, that their most illustrious commanders were sometimes called from the plough; thus, Cincinnatus, Liv. iii. 26. Cic. Rosc. Am. 18. [Off. i. 42.] The senators commonly resided in the country, and cultivated the ground with their own hands, Ibid. (see p. 8.), and the noblest families derived their surnames from cultivating particular kinds of grain; as the FABII, PISONES, LENTULI, CICERONES, &c., Plin. xviii. 1. [So also Asinius, Porcius, Vitellius, from having been celebrated breeders of the animals to which the names have an affinity.] To be a good husbandman was accounted the highest praise, (BONUS COLONUS vel AGRICOLA, was equivalent to VIR BONUS, Ibid. 3. Cato, R. R. Pr. 2.; LOCUPLES, rich, q. loci, hoc est, agri plenus: PECUNIOSUS, a pecorum copid; so ASSIDUUS, ab asse dando, Quinctil. v. 10. Ovid. Fast. v. 280. Gell. x. 5. Festus); and whoever neglected his ground, or cultivated it improperly, was liable to the animadversions of the censors, Plin. *ibid.* †

At first no citizen had more ground than he could cultivate himself. Romulus allotted to each only two acres [*jugera*], Varr. R. R. i. 10. Plin. xviii. 11., called HÆREDIUM (*quòd hæredem sequerentur*), Id., and SORS, Festus; or *cespes fortuitus*, Horat. Od. ii. 15. 17., which must have been cultivated with the spade. An hundred of these *sortes* or *hæredia* was called CENTURIA, Columel. i. 5.; hence *in nullam sortem bonorum natus*, i. e. *partem hæreditatis*, to no share of his grandfather's fortune, Liv. i. 34. After the expulsion of the kings [according to Niebuhr, ii. p. 161. by Servius Tullius], seven acres were granted to each citizen, Plin. xviii. 3., which continued for a long time to be the usual portion assigned them in the division of conquered lands, Liv. v. 30. Val. Max. iv. 3. 5. L. Quinctius Cincinnatus, Curius Dentatus, Fabricius, Regulus, &c. had no more, Id. iv. 4. 6, 7. Cincinnatus had only four acres, according to Columella, Præf. & i. 3., and Pliny, xviii. 3.

Those whom proprietors employed to take care of the grounds which they kept in their own hands, were called VILLICI, Horat. Ep. i. 14. Cic. Verr. iii. 53. Att. xiv. 17., and were usually of servile condition, Ibid.

\* The fig, the almond, and the olive, each the produce of the Levant, were imported into Rome about two centuries after its foundation, and the cherry was first introduced by Lucullus, from Cerasus, in Pontus.

† "A plebeian was bound to be a husbandman: if he renounced this calling, and betook himself to a retail trade or handicraft, he renounced his order likewise; and it was the censor's duty to strike out his name." — Nieb. ii. p. 398. "In the age of the Gracchi, we learn, that there were hardly any free husbandmen in Italy; a state of things which continued to a pretty late era of the empire. Free citizens would have proved inconvenient servants, from their liability to be called out to serve in the army, and to exert their elective franchise in the city." — Blair, p. 4.

Those who cultivated the public grounds of the Roman people, and paid tithes for them, were also called ARATORES, whether Roman citizens, or natives of the provinces (*provinciales*), and their farms ARATIONES, *Cic. Verr.* iii. 20. 27. 53. *Phil.* ii. 37.

But when riches increased, and the estates of individuals were enlarged, opulent proprietors let part of their grounds to other citizens, who paid a certain rent for them, as our farmers or tenants, and were properly called COLONI, [see p. 37. note,] *Cic. Cæcin.* 32. *Plin. Ep.* x. 24. *Colum.* i. 7. CONDUCTORES, *Plin. Ep.* vii. 30., or PARTIARI, because usually they shared the produce of the ground with the proprietor, *Caius*, i. 25. § 6. ff. *Locati*, *Plin. Ep.* ix. 37. It appears that the Romans generally gave leases only for five years (*singulis lustris prædia locasse*), *Id.* ix. 37.

AGRICOLÆ was a general name, including not only those who ploughed the ground (ARATORES, *qui terram arant, vel ipsi sua manu vel per alios*, *Cic. Verr.* v. 38.), but also those who reared vines (*vinitores*), or trees (*arboratores*), and shepherds (*pastores*).

At first, the stock on the farm seems to have belonged to the proprietor, and the farmer received a certain share of the produce for his labour. A farmer of this kind was called POLITOR vel *Polintor*, the dresser of the land, or PARTIARIUS; which name is also applied to a shepherd, or to any one who shared with another the fruits of his industry. Such farmers are only mentioned by Cato, who calls those who farmed their own grounds, COLONI. So *Virg. Ecl.* ix. 4. But this word is commonly used in the same general sense with *agricolæ*; *Non dominus, sed colonus*, *Senec. Ep.* 88. In Columella, *colonus* means the same with the farmer or tenant among us, who was always of a free condition, and distinguished from VILLICUS, a bailiff or overseer of a farm, a steward, who was usually a slave or freed-man, *Colum.* i. 7. *Horat. Ep.* i. 14. *Cic. Verr.* iii. 50. So shepherds, *Virg. Ecl.* i. 28. 41. When a freeborn citizen was employed as an overseer, he was called PROCURATOR, *Cic. Cæcin.* 20. *Att.* xiv. 17. *Orat.* i. 58., and those who acted under him, ACTORES, *Plin. Ep.* iii. 19.

The persons employed in rustic work, under the farmer or bailiff, were either slaves or hirelings; in later times chiefly the former, and many of them chained. See p. 36. *Plin.* xviii. 4. *Martial.* ix. 23. *Ovid. Pont.* i. 6. 31. The younger Pliny had none such, *Ep.* iii. 19.

The Romans were very attentive to every part of husbandry, as appears from the writers on that subject, Cato, Varro, Virgil, Pliny, Columella, Palladius, &c.

Soils were chiefly of six kinds; fat or lean (*pingue vel macrum*), free or stiff (*solutum vel spissum*, or *rarum vel densum*), wet or dry (*humidum vel siccum*), which were adapted to produce different crops, *Col.* ii. 2.

The free soil was most proper for vines, and the stiff for corn, *Virg. G.* ii. 229.

The qualities ascribed to the best soil are, that it is of a blackish colour (*terra nigra vel pulla*, *Virg. G.* ii. 203.), glutinous when wet, *Ib.* 248., and easily crumbled when dry; has an agreeable smell, and a certain sweetness, *Ib.* 238. *Plin.* xvii. 5.; imbibes water, retains a proper quantity, and discharges a superfluity, *Ib.*; when ploughed, exhales mists and flying smoke, not hurting the plough-irons with salt

rust; the ploughman followed by rooks, crows, &c., and when at rest, carries a thick grassy turf, *Plin. ib. Virg. G. ii. 217.* Land for sowing was called ARVUM (*ab arando, Varr. R. R. i. 29.*), anciently *Arvus*, sc. *ager*, *Plaut. Truc. 1, 2. 47.*; ground for pasture, PASCUUM, v. -us, sc. *ager*, *Ibid.*

The Romans used various kinds of manure to improve the soil, particularly dung (*finus vel stercus*), which they were at great pains to collect and prepare in dunghills (*sterquilinia vel fimeta*) constructed in a particular manner, *Col. i. 6. Plin. xxiv. 19. xvii. 9.* They sometimes sowed pigeons' dung, or the like, on the fields like seed, and mixed it with the earth by sarcling or by weeding-hooks (*sarcula*), *Col. ii. 16.*

When dung was wanting, they mixed earths of different qualities, *Ibid.*; they sowed lupines, and ploughed them down for manure (*stercorandi agri causâ*), *Varr. R. R. i. 23.* Beans were used by the Greeks for this purpose, *Theophrast. viii. 9.*

The Romans also, for manure, burnt on the ground the stubble (*stipulam urebant*), *Virg. G. i. 84.*, shrubs (*fruteta*), *Plin. xviii. 6.*, twigs and small branches (*virgas et sarmenta*), *Id. 25.* They were well acquainted with lime (*calx*), but do not seem to have used it for manure, at least till late. Pliny mentions the use of it for that purpose in Gaul, *xvii. 8.*, and hence probably it was tried in Italy. He also mentions the use of marle (MARGA) of various kinds, both in Britain and Gaul, and likewise in Greece, called there *Leucargillon*, *xvii. 5.*, &c., but not found in Italy, *Ib.*

To carry off the water (*ad aquam vel uliginem nimiam deducendam*), drains (INCILIA vel *fossæ inciles*) were made, both covered and open (*cæcæ et patentes*), according to the nature of the soil, and water-furrows, (*sulci aquarii vel elices, quod undam eliciunt, Virg. G. i. 109.*) *Col. ii. 2. 8. Plin. xviii. 6.*

The instruments used in tillage were,

ARATRUM, the plough, concerning the form of which authors are not agreed. Its chief parts were, TEMO, the beam, to which the jugum, or yoke, was fastened; STIVA, the plough-tail or handle, on the end of which was a cross bar (*transversa regula*, called MANICULA vel CAPULUS, *Ovid. Pont. i. 8. 57.*) which the ploughman (*arator v. bubulcus*) took hold of, and by it directed the plough; VOMER, vel -is, the plough-share: BURIS, a crooked piece of wood, which went between the beam and the plough-share; hence ARATRUM CURVUM, *Virg. G. i. 170.*, represented by Virgil as the principal part of the plough, to which there seems to be nothing exactly similar in modern ploughs; to it was fitted the DENTALE, the share-beam, a piece of timber on which the share was fixed, called by Virgil, *duplici dentalia dorso, i. e. lato*; and by Varro, *dens*. To the *buris* were also fixed two AURES, supposed to have served in place of what we call mould-boards, or earth-boards, by which the furrow is enlarged, and the earth thrown back (*regeritur*); CULTER, much the same as our coulter, *Plin. xviii. 18.* RALLA, or rulla, vel -um, the plough-staff, used for cleaning the plough-share, *Id. 19.*

The Romans had ploughs of various kinds; some with wheels, earth-boards, and coulters, others without them, &c. The common plough had neither coulter nor earth-boards.



The other instruments were, LIGO, or PALA, a spade, used chiefly in the garden and vineyard, but anciently also in corn-fields, *Liv. iii. 26. Horat. Od. iii. 6. 38. Ep. i. 14. 27.*; RASTRUM, a rake; SARCU- LUM, a sarcle, a hoe, or weeding-hook; BIDENS, a kind of hoe or drag, with two hooked iron teeth for breaking the clods, and drawing up the earth around the plants, *Virg. G. ii. 400. Ovid. Am. i. 13. 15.*; OCCA vel CRATES DENTATA, a harrow, *Virg. G. i. 91. Plin. xviii. 18.*; LAPEX, a plank with several teeth, drawn by oxen as a wain, to pull roots out of the earth, *Varr. L. L. iv. 31.*; MARRA, a mattock, or hand hoe, for cutting out weeds, *Juvenal. iii. 811.*; DOLABRA, an ad- dice, or adze, with its edge athwart the handle; SECURIS, an axe, with its edge parallel to the handle, sometimes joined in one, hence called SECURIS DOLABRATA; used not only in vineyards, but in corn- fields, for cutting roots of trees, &c., *Col. ii. 2.* The part of the pruning-knife (*falx*), made in the form of the half formed moon (*semi- formis lunæ*), was also called SECURIS, *Col. iv. 25.*

The Romans always ploughed with oxen, usually with a single pair (*singulis jugis vel paribus*), *Cic. Verr. iii. 21.*, often more, *Plin. xviii. 18.*, sometimes with three in one yoke, *Col. vi. 2. 10.* What a yoke of oxen could plough in one day was called JUGUM, *Varr. R. R. i. 10.*, vel JUGERUM, *Plin. xviii. 3.\**

Oxen, while young, were trained to the plough with great care, *Virg. G. iii. 163. Varr. i. 20. Col. vi. 2.* The same person man- aged the plough, and drove the cattle (*RECTOR*, *Plin. Ep. viii. 17.*) with a stick, sharpened at the end, called STIMULUS (*αἶψα*), a goad. They were usually yoked by the neck, sometimes by the horns, *Plin. viii. 45. Col. ii. 2.* The common length of a furrow made without turning, was 120 feet, hence called ACTUS, which, squared and doubled in length, made a JUGERUM, *Plin. xviii. 3. Varr. i. 10. 1.† Col. v. 1. 5.*, used likewise as a measure among the Hebrews, *1 Sam. xiv. 14.*

The oxen were allowed to rest a little at each turning, *Col. ii. 2. Cum ad versuram ventum est, vel Cum versus peractus est, i. e. cum sulcus ad finem perductus est*; and not at any other time; (*nec stri- gare in actu spiritus, i. e. nec interquiescere in ducendo sulco, Plin. xviii. 19., nec in media parte versuræ consistere, Col. ii. 2.*)

When, in ploughing, the ground was raised in the form of a ridge, it was called PORCA, (*i. e. inter duos sulcos terra elata vel eminens, Varr. R. R. i. 29. Fest. in IMPORCITOR,*) or LIRA, *Col. ii. 4.* But Festus makes PORCÆ to be also the furrows on each side of the ridge for carrying off the water, properly called COLLIÆ, *Plin. xviii. 19. s. 49.* Hence LIRARE, to cover the seed when sown by the plough, by fixing boards to the plough-share, *Plin. xviii. 20. Varr. i. 29.*, when those side furrows were made, *Col. ii. 4.* These ridges are also

\* "It was rather more than half an acre, 120 feet in length by 240 in breadth. Allusion is made to this in the Old Testament, *1 Sam. xiv. 14.* 'And that first slaughter which Jonathan and his armour-bearer made, was about 20 men, within as it were an half acre of land, which a yoke of oxen might plow.' " — *Sketches of the In- stitutions of the Romans, &c. p. 98.*

† "The juger, as the very name implies, was a double measure; and the real unit in the Roman land measure, was the *actus*, containing 14,400 square feet, *i. e. a square of which each side was 120 feet.*" — *Nich. ii. p. 626.*

called **SULCI**; for *sulcus* denotes not only the trench made by the plough, but the earth thrown up by it, *Virg. G. i. 113.*

The Romans, indeed, seem never to have ploughed in ridges unless when they sowed. They did not go round when they came to the end of the field as our ploughmen do, but returned in the same track. They were at great pains to make straight furrows, and of equal breadth. The ploughman who went crooked, was said **DELIRARE**, (i. e. *de lino decedere*; hence, *a recto et æquo, et a communi sensu recedere*, to dote, to have the intellect impaired by age or passion, *Horat. Ep. i. 2. 14. Cic. Orat. ii. 18.*) and **PRÆVARICARI**, to *prevaricate*; whence this word was transferred to express a crime in judicial proceedings, *Plin. xviii. 19. s. 49. [Cic. Phil. ii. 11.]* See p. 280.

To break and divide the soil, the furrows were made so narrow, that it could not be known where the plough had gone, especially when a field had been frequently ploughed, *Ib.* This was occasioned by the particular form of the Roman plough, which, when held upright, only stirred the ground, without turning it aside.

The places where the ground was left unmoved (*crudum et immotum*), were called **SCAMNA**, balks, *Ib. & Col. ii. 2.*

The Romans commonly cultivated their ground and left it fallow alternately (*alternis, sc. annis*), *Virg. G. i. 71.*, as is still done in Switzerland, and some provinces of France.

They are supposed to have been led to this from an opinion, that the earth was in some measure exhausted by carrying a crop, and needed a year's rest to enable it to produce another; or from the culture of olive trees, which were sometimes planted in corn-fields, and bore fruit only once in two years, *Col. v. 7, 8, 9. Varr. i. 55. Plin. xv. 3.*

A field sown every year was called **RESTIBILIS**; after a year's rest or longer, **NOVALIS**, *fam. vel novale*, or **VERVACTUM**, *Plin. xviii. 19. s. 49. (quod vere semel aratum est.)* When a field, after being long uncultivated (*rudis vel crudus*), was ploughed for the first time, it was said **PROSCINDI**; the second time *iterari vel offringi*, because then the clods were broken by ploughing across, and harrowing, *Festus, Plin. xviii. 20.*; the third time, *tertiari*, **LIRARI** vel *in liram redigi*; because then the seed was sown, *Varr. i. 29.* But four or five ploughings were given to stiff land, sometimes nine, *Virg. G. i. 47. Plin. xviii. 20. Ibid. Ep. v. 6.*

To express this, they said, *tertio, quarto, quinto sulco serere*, for *ter, quater, quinquies arare*. One day's ploughing, or one yoking, was called, **UNA OPERA**; ten, *decem operæ*, *Col. ii. 4.*

Fallow ground was usually ploughed in the spring and autumn; dry and rich land in winter; wet and stiff ground chiefly in summer; hence that is called the best land (*optima seges*), **BIS QUÆ SOLEM, BIS FRIGORA SENSIT**, i. e. *bis per æstatem, bis per hiemem arata*, *Plin. xviii. 20. Virg. G. i. 48.* Thus also *seges* is used for *ager* or *terra*, *Id. iv. 129. Cic. Tusc. ii. 5. Locus ubi prima paretur arboribus* **SEGES**, i. e. *seminarium*, a nursery, *Virg. G. ii. 266.*, but commonly for *sata*, growing corn, or the like, a crop; as *seges lini*, *G. i. 77.*, or metaphorically, for a multitude of things of the same kind; thus, *Seges virorum*, *Ovid. Met. iii. 110. Virg. G. ii. 142., Seges telorum, Æn. iii. 46., Seges gloriæ*, a field, *Cic. Mil. 13.*

The depth of the furrow in the first ploughing (*cùm sulcus altius*

*imprimeretur*) was usually three fourths of a foot, or nine inches (*sulcus DODRANTALIS*), *Plin.* xviii. 19. Pliny calls ploughing four fingers or three inches deep, *SCARIFICATIO*, *Ib.* 17., *tenui sulco arare*, *Ib.* 18., *tenui suspendere sulco*, *Virg. G.* i. 68.

The seed was sown from a basket (*SATORIA*, sc. *corbis*, *trimodia*, containing three pecks, *Col.* ii. 9.). It was scattered by the hand, *Cic. Sen.* 15. *Plin.* xviii. 24.; and, that it might be done equally, the hand always moved with the step, as with us, *Ib.*

The Romans either sowed above furrow (*in lira*), or under furrow (*sub sulco*), commonly in the latter way. The seed was sown on a plain surface, and then ploughed, so that it rose in rows, and admitted the operation of hoeing. It was sometimes covered with rakes and harrows (*rastris vel crate dentatâ*), *Plin.* xviii. 20.

The principal seed time (*tempus sativum*, *sationis*, v. *seminationis*, vel *sementem faciendi*), especially for wheat and barley, was from the autumnal equinox to the winter solstice, *Virg. G.* i. 208., and in spring as soon as the weather would permit, *Col.* ii. 8. *Varr.* i. 34.

The Romans were attentive not only to the proper seasons for sowing, but also to the choice of seed, and to adapt the quantity and kind of seed to the nature of the soil, *Varr.* i. 44. *Virg. G.* i. 193. *Plin.* xviii. 24. s. 55.

When the growing corns (*segetes vel sata, -orum*) were too luxuriant, they were pastured upon (*depascebantur*), *Virg. G.* i. 93.

To destroy the weeds, two methods were used; *SARCULATIO* vel *sarritio*, hoeing; and *RUNCATIO*, weeding, pulling the weeds with the hand, or cutting them with a hook. Sometimes the growing corns were watered (*rigabantur*), *Virg. G.* i. 106.

In some countries, lands are said to have been of surprising fertility, (*sata cum multo fœnore reddebant*, *Ovid. Pont.* i. 5. 26.) yielding an hundred fold (*ex uno centum*), sometimes more; as in Palestine, *Gen.* xxvi. 12.; in Syria and Africa, *Varr.* i. 44.; in *Hispania Bætica*, and Egypt, the Leontine plains of Sicily, around Babylon, &c., *Plin.* xviii. 10. 17.; but in Italy, in general, only ten after one (*ager cum decimo efficiebat, efferebat, v. fundebat; decimo cum fœnore reddebat*), *Varr.* i. 44., as in Sicily, *Cic. Verr.* iii. 47., sometimes not above four (*frumenta cum quarto respondebant*), *Col.* iii. 3.

The grain chiefly cultivated by the Romans, was wheat of different kinds, and called by different names, *TRITICUM*, *siligo*, *robus* [*red wheat*], also *FAR*, or *ador*, *far adorem* vel *semen adorem*, or simply *adorem*; whence *ADOREA*, warlike praise or glory. *Adoreâ aliquem afficere*, *Plaut. Amph.* i. 1. 38., i. e. *gloriâ*, v. 2. 10., or victory, because a certain quantity of corn (*ador*) used to be given as a reward to the soldiers after a victory, *Horat. Od.* iv. 4. 41. *Plin.* xviii. 3. No kind of wheat among us exactly answers the description of the Roman *far*. What resembles it most, is what we call *spelt*.

*FAR* is put for all kinds of corn, whence *FARINA*, meal; *farina siliginea vel triticea, simila, vel similago, flos siliginis, pollen tritici*, flour. *Cùm fueris nostræ paulo antè farinae*, i. e. *generis vel gregis*, *Pers.* v. 115.

Barley, *HORDEUM*, vel *ordeum*, was not so much cultivated by the Romans as wheat. It was the food of horses, *Col.* vi. 30., sometimes used for bread (*panis hordeaceus*), *Plin.* xviii. 7. s. 14., given to

soldiers, by way of punishment, instead of wheat, *Liv.* xxvii. 13. In France and Spain, also in Pannonia, *Dio.* xlix. 36., especially before the introduction of vineyards, it was converted into ale, as among us, called *cælia* or *ceria* in Spain, and *cervisia* in France, *Plin.* xiv. 22.; the froth or foam of which (*spuma*) was used for barm or yeast in baking (*pro fermento*), to make the bread lighter, xviii. 7., and by women for improving their skin (*ad cutem nutriendam*), *Id.* xxii. 25. s. 82.

Oats, AVENA, were cultivated chiefly as food for horses; sometimes also made into bread (*panis avenaceus*). AVENA is put for a degenerate grain (*vitium frumenti, cum hordeum in eam degenerat*), *Plin.* xviii. 17. *Cic. Fin.* v. 30., or for oats which grow wild (*steriles avenæ, i. e. quæ non seruntur*), *Serv. in Virg. Ecl.* v. 37. *G.* i. 153. 226.

As the rustics used to play on an oaten stalk, hence *avena* is put for a pipe (*tibia vel fistula*), *Virg. Ecl.* i. 2. iii. 27. *Martial.* viii. 3. So *calamus, stipula, arundo, &c.*

Flax or lint (LINUM) was used chiefly for sails and cordage for ships, likewise for wearing apparel, particularly by the nations of Gaul, and those beyond the Rhine, *Plin.* xix. 1., sometimes made of surprising fineness, *Ibid.* The rearing of flax was thought hurtful to land. Virgil joins it with oats and poppy, *G.* i. 77.

Willows (SALICES) were cultivated for binding the vines to the trees that supported them; for hedges, *Virg. G.* ii. 436., and for making baskets. They grew chiefly in moist ground: hence *udum salictum*, *Horat. Od.* ii. 5. 8. *Liv.* xxv. 17. *Cato* 9. So the osier, *siler*; and broom, *genista*, *Virg. G.* ii. 11.

Various kinds of pulse (*legumina*) were cultivated by the Romans. FABA, the bean; *pisum*, pease; *lupinum*, lupine; *fasēlus, phaselus, vel phaseolus*, the kidney-bean; *lens*, lentil; *cicer* v. *cicercula*, *vicia* v. *ervum*, vetches, or tares; *sesamum* v. *-a*, &c. These served chiefly for food to cattle; some of them, also, for food to slaves and others, especially in times of scarcity, when not only the seed, but also the husks or pods (*siliquæ*)\*, were eaten, *Horat. Ep.* ii. 1. 123. *Pers.* iii. 35. The turnip (*rapum* v. *-a*, vel *rapus*) was cultivated for the same purpose, *Plin.* xviii. 13.

There were several things sown to be cut green, for fodder to the labouring cattle; as *ocimum* vel *ocymum*, *fœnum Græcum*, *vicia*, *cicera*, *ervum*, &c., particularly the herb *medica* and *cytissus* for sheep, *Plin.* xiii. 24. [*Virg. Ecl.* i. 79.]

The Romans paid particular attention to meadows (PRATA, *quasi semper parata*, *Plin.* xviii. 5.) for raising hay and feeding cattle, by cleaning and dunging them, sowing various grass seeds, defending them from cattle, and sometimes watering them, *Col.* ii. 17.

\* "By *siliquæ* are meant the pods of the carob-tree, which in times of scarcity supplied the poor with food. The carob-tree is a native of Spain, Italy, and the Levant. It is an evergreen, growing in hedges, and producing long, flat, brown-coloured pods, filled with a mealy succulent pulp, of a sweetish taste. The upper part of the pod is bent in the shape of a horn, and hence the Greeks called the tree *κεραυρία, κερυρία, and κερατέλα*, and the fruit itself *κεράριον*. The Germans style the tree, *Johannis-Brotbaum* (John's-bread-tree), from a popular tradition that it furnished food to the Baptist in the wilderness." — *Anthon*.

Hay (*Fœnum*) was cut and piled up in cocks, or small heaps, of a conical figure (in *scatis extractione*), then collected into large stacks, or placed under cover, *Col. ii. 22*. When the hay was carried off the field, the mowers (*fœmidores vel -œ*) went over the meadows again (*præter siciliabant, i. e. falcibus consecabant*), and cut what they had at first left. This grass was called *sicilimentum*, and distinguished from *fœnum*. Late hay was called *Fœnum Cardum*, *Plin. xviii. 28*.

The ancient Romans had various kinds of fences (*septa, sepes, vel sepiamenta*); a wall (*maceria*); hedge, wooden fence, and ditch, for defending their marches\* (*limites*); and corn-fields, *Virg. G. i. 270.*, and for enclosing their gardens and orchards, but not their meadows and pasture-grounds. Their cattle and sheep seem to have pastured in the open fields, with persons to attend them. They had parks for deer and other wild beasts, *Col. ix. Præf.*; but the only enclosures mentioned for cattle, were folds for confining them in the night-time, (*septa v. stabula bubilia, orilia, caprilia, &c.*) either in the open air, or under covering, *Virg. Æn. vii. 512*.

Corn was cut down (*metebantur*) by a sickle, or hook, or by a scythe; or the ears (*apice*) were stripped off by an instrument called *BATILLUM*, i. e. *serrula ferrea*, an iron saw, *Varr. i. 50.* (*Falx verriculata, rostrata, vel dentata, merga, vel pecten*), and the straw afterwards cut, *Col. ii. 21*. To this Virgil is thought to allude, *G. i. 317.*, and not to binding the corn in sheaves, as some suppose, which the Romans seem not to have done, *Col. ibid.* In Gaul, the corn was cut down by a machine drawn by two horses, *Plin. xviii. 30*.

Some kinds of *pulse*, and also corn, were pulled up by the root (*vellebantur*), *Col. ib. et ii. 10. 12. Plin. xviii. 30. s. 72*.

The Greeks bound their corn into sheaves, *Homer. Il. xviii. 550.*, as the Hebrews, *Gen. xxxvii. 7.*, who cut it down with sickles, taking the stalks in handfuls (*mergites*), as we do, *Ruth. ii. 15*.

The corn when cut was carried to the threshing-floor (*area*), or barn (*horreum*), or to a covered place adjoining to the threshing-floor, called *NUBILARIUM*, *Col. ii. 21*. If the ears were cut off from the stalks, they were thrown into baskets, *Varr. i. 1*. When the corn was cut with part of the straw, it was carried in carts or wains (*plaustra*), as with us, *Virg. ii. 206*.

The *AREA*, or threshing-floor, was placed near the house, *Col. i. 6.*, on high ground, open on all sides to the wind, of a round figure, and raised in the middle, *Varr. i. 2*.

It was sometimes paved with flint stones, *Col. i. 6.*, but usually laid with clay, consolidated with great care, and smoothed with a huge roller, *Virg. G. i. 178*.

The grains of the corn were beaten out (*excutebantur, tundebantur, terebantur vel exterebantur*), by the hoofs of cattle driven over it, or by the trampling of horses (*equarum gressibus*), *Plin. xvii. 30. Virg. G. iii. 132. Col. ii. 21.*; hence *Area dum messes sole calente teret*, for *frumenta in area terentur*, *Tibull. i. 5. 22.*; or by flails (*baculi, fustes*

\* "Borders, limits, confines. Some assert that this word comes from the Latin *margo*, a margin; but it is from the Gothic word *marka*, in the sense of a *mark* designating a boundary; and thus we use *landmark*." — *Todd's Johnson*.

vel *perticæ*), Ibid.; or by a machine, called TRAHA, v. *trahæa*, a dray or sledge, a carriage without wheels; or TRIBULA, vel -um, made of a board or beam, set with stones or pieces of iron (*tabula lapidibus aut ferro asperato*), with a great weight laid on it, and drawn by yoked cattle (*jumentis junctis*), Ibid. et Verr. i. 52.

*Tribula*, a threshing machine, has the first syllable long, from *τρίβω*, *tero*, to thresh; but *tribulus*, a kind of thistle, (or warlike machine, with three spikes or more, for throwing or fixing in the ground, called also *murex*, usually plural, *muriæes* v. *tribuli*, caltrops, *Plin.* xix. l. s. 6. *Curt.* iv. 13. *Veget.* iii. 24.) has *tri* short, from *τρεῖς*, three, and *βόλος*, a spike or prickle.

The methods of beating out the corn were used by the Greeks, *Homer.* Il. xx. 495., and Jews, *Isaiah*, xxviii. 27. [xxx. 24.]

Corn was winnowed (*ventilabatur*), or cleaned from the chaff (*acus*, -*eris*), by a kind of shovel (*vallus*, *pala* vel *ventilabrum*), which threw the corn across the wind, *Varr.* i. 52., or by a sieve (*vannus* vel *cribrum*), which seems to have been used with or without wind, *Col.* ii. 21., as among the Greeks, *Homer.* Il. xiii. 588., and Jews, *Is.* xxx. 24. *Amos*, ix. 9. *Luke*, xxii. 31.

The corn, when cleaned (*expurgatum*), was laid up in granaries (*horrea* vel *granaria*), variously constructed, *Plin.* xviii. 30., sometimes in pits (*in scrobibus*), where it was preserved for many years; Varro says fifty, *Id.* & *Varr.* i. 57.\*

The straw was used for various purposes; for littering cattle (*pecori ovibus bubusque substernebantur, unde STRAMEN, v. stramentum dictum*), *Varr.* i. l. 3.; for fodder, *Plin.* xviii. 30.; and for covering houses; whence CULMEN, the roof, from *culmus*, a stalk of corn, *Id.*

The straw cut with the ears was properly called PALEA; that left in the ground and afterwards cut, STRAMEN, vel *stramentum*, vel *stipula*, the stubble, which was sometimes burnt in the fields, to meliorate the land, and destroy the weeds, *Id.* & *Virg.* G. i. 84.

As oxen were chiefly used for ploughing, so were the fleeces of sheep for clothing; hence these animals were reared by the Romans

\* "In the rude ages, the only mode of converting grain into meal was, probably, by pounding it with an instrument resembling a pestle and mortar; and this was, in fact, retained in use even long after the invention of mills. In process of time the mortar was ridged, and the pestle notched, and a handle being added to the top of the latter, by which it could be turned, they were thus converted into a hand-mill, and each family prepared the flour for its own consumption. At a later period, shafts were added to the mill, that it might be driven by cattle, and heavy cylindrical stones were used instead of the ancient pestle and mortar, which were of wood. The invention of water-mills is of much later date: it has been ascribed to Mithridates, but without any conclusive ground for the conjecture, and nothing is known with certainty on that point, except that such mills were known in his time in Asia. They are supposed to have been introduced into Rome a short time previous to the reign of Augustus; but they were so slowly adopted into general use, that, upwards of twenty years after the death of that emperor, there was a scarcity of bread in the city in consequence of the seizure of the cattle belonging to the mills by Caligula, and the first mention made of public water-mills in the laws, does not occur until the latter end of the fourth century. None of the classic authors who treat of such subjects make any allusion to windmills: the period of their invention, indeed, is not ascertained, but there is no ground for supposing that they were known to ancients." — *Sketches of the Institutions of the Romans*, p. 108.



with the greatest care. Virgil gives directions about the breeding of cattle (*qui cultus habendo sit pecori*), of oxen and horses (*ARMENTA*), *G.* iii. 49. 72., of sheep and goats (*GREGES*), *v.* 286., also of dogs, 404., and bees, *iv.*, as a part of husbandry.

While individuals were restricted by law to a small portion of land, and citizens themselves cultivated their own farms, there was abundance of provisions without the importation of grain, and the republic could always command the service of hardy and brave warriors when occasion required. But in after ages, especially under the emperors, when landed property was in a manner engrossed by a few, *Juvenal.* ix. 55., and their immense estates in a great measure cultivated by slaves, *Liv.* vi. 12. *Senec. Ep.* 114., Rome was forced to depend on the provinces, both for supplies of provisions, and of men to recruit her armies.\* Hence Pliny ascribes the ruin first of Italy, and then of the provinces, to overgrown fortunes, and too extensive possessions, (*Latifundia*, *sc.* nimis ampla, *perdidere Italiam*; *jam verò et provincias*.) xviii. 3. 6.

The price of land in Italy was increased by an edict of Trajan, that no one should be admitted as a candidate for an office who had not a third part of his estate in land, *Plin. Ep.* vi. 19.

## PROPAGATION OF TREES.

THE Romans propagated trees and shrubs much in the same way as we do.

Those are properly called trees (*arbores*) which shoot up in one great stem, body, or trunk (*stirps*, *truncus*, *caudex* vel *stipes*), and then, at a good distance from the earth, spread into branches and leaves (*rami et folia*); shrubs (*FRUTICES*, vel *virgulta*), which divide into branches (*rami* v. *-uli*), and twigs or sprigs (*virgæ* v. *-ulæ*), as soon as they rise from the root. These shrubs, which approach near to the nature of herbs, are called by Pliny *suffrutices*.

Virgil enumerates the various ways of propagating trees and shrubs (*sylvæ fruticesque*), both natural and artificial, *G.* ii. 9., &c.

I. Some were thought to be produced spontaneously; as the osier (*siler*), the broom (*genista*), the poplar and willow (*salix*). But the notion of spontaneous propagation is now universally exploded. Some by fortuitous seeds, as the chestnut, the *esculus*, and oak; some from the roots of other trees, as the cherry (*CERASUS*, first brought into Italy by Lucullus from Cerasus, a city in Pontus, A. U. 680, and 120 years after that, introduced into Britain, *Plin.* xv. 35. s. 30.), the elm and laurel (*laurus*), which some take to be the bay tree.

II. The artificial methods of propagating trees were,—1. By suckers (*STOLONES*, unde cognomen, *STOLO*. *Plin.* xvii. 1. *Varr.* i. 2.), or twigs pulled from the roots of trees, and planted in furrows or trenches (*sulci* v. *fossæ*).

—2. By sets, i. e. fixing in the ground branches (*rami* v. *talceæ*), sharpened (*acuminati*) like stakes (*acuto robore valli* vel *pali*, cut into

\* Tac. Ann. xii. 43. At hercule olim ex Italiæ regionibus longinquas in provincias commeatibus portabant; nec nunc infecunditate laboratur; sed Africam potius Ægyptum exercemus, navibusque et casibus vitæ populi Romani permixta est.

a point; *sudes quadrifida*, slit at the bottom in four), *Virg. G. ii. 25. Plin. xvii. 17.*, or pieces of the cleft-wood (*caudices secti*), *Id.*, or by planting the trunks with the roots (*stirpes*), *Id.* When plants were set by the root (*cum radice serebantur*), they were called *VIVIRADICES*, quicksets, *Cic. Sen. 13.*

—3. By layers (*propagines*), i. e. bending a branch, and fixing it in the earth, without disjoining it from the mother-tree, whence new shoots spring (*viva sua plantaria terrâ*), *Virg. G. ii. 27.* This method was taught by nature from the bramble (*ex rubo*), *Plin. xvii. 13. s. 21.* It was chiefly used in vines and myrtles, *Virg. G. ii. 63.*, the former of which, however, were more frequently propagated.

—4. By slips or cuttings; small shoots cut from a tree, and planted in the ground (*surculi*, et *MALLEOLI*, i. e. *surculi utrinque capitulati*), with knops or knobs, i. e. protuberances on each side, like a small hammer, *Plin. xvii. 21.*

—5. By grafting, or ingrafting (*INSITIO*), i. e. inserting a scion, a shoot or sprout, a small branch or graft (*tradux* v. *surculus*), of one tree into the stock or branch of another. There were several ways of ingrafting, of which Virgil describes only one; namely, what is called cleft grafting, which was performed by cleaving the head of a stock, and putting a scion from another tree into the cleft (*feraces plantæ immittuntur*, *Ibid. v. 78. Alterius ramos vertere in alterius, 31.*); thus beautifully expressed by Ovid, *Fissaque adoptivas accipit arbor opes*, *Medic. Fac. 6.\**

It is a received opinion in this country, that no graft will succeed unless it be upon a stock which bears fruit of the same kind. But Virgil and Columella say, that any scion may be grafted on any stock, *Omnis surculus omni arbori inseri potest, si non est ei, cui inseritur, cortice dissimilis*, *Col. v. 11.*; as apples on a pear-stock, and cornels, or Cornelian cherries, on a prune or plum-stock, *Virg. G. ii. 33.*, apples on a plane-tree, pears on a wild ash, &c. *v. 70. Plin. xv. 1. 5. s. 17.*

Similar to ingrafting, is what goes by the name of inoculation or budding (*oculos imponere, inoculare* v. *-atio*). The parts of a plant whence it budded (*unde germinaret*), were called *OCULI*, eyes, *Plin. xvii. 21. s. 35.*, and when these were cut off, it was said, *occæcari*, to be blinded, *Id. xvii. 22.*

Inoculation was performed by making a slit in the bark of one tree, and inserting the bud (*gemma* v. *germen*) of another tree, which united with it, *v. 73.*, called also *EMPLASTRATIO*, *Col. v. 11.* But Pliny seems to distinguish them, *xvii. 16. s. 26.* The part of the bark taken out (*pars exempta; angustus in ipso nodo sinus*), was called *SCUTULA* v. *TESSELLA*, the name given also to any one of the small divisions in a checkered table or pavement, *Id.* See p. 465.

Forest trees (*arbores sylvestres*) were propagated chiefly by seeds. Olives by truncheons (*trunci, caudices secti, v. lignum siccum*), i. e. by cutting or sawing the trunk or thick branches into pieces of a

\* More beautifully by *Virg. G. ii. 81.*

“Exiit ad cœlum ramis felicibus arbos,  
Miraturque novas frondes et non sua poma.”

foot or a foot and a half in length, and planting them; whence a root, and soon after a tree, was formed, *Virg. G. ii. 30. 63.*

Those trees which were reared only for cutting were called *ARBORES CÆDUE*, or which, being cut, sprout up again (*succisæ repullulant*), from the stem or root, *Plin. xii. 19.* Some trees grow to an immense height. Pliny mentions a beam of *larix*, or larch, 120 feet long, and 2 feet thick, *xvi. 40. s. 74.*

The greatest attention was paid to the cultivation of vines.\* They were planted in the ground, well trenched and cleaned (*in pastinata*, sc. *agro*), in furrows, or in ditches, *Plin. xvii. 22.*, disposed in rows, either in the form of a square, or of a *quincunx* [with sufficient space between the rows to plough the ground in diagonal furrows], *Virg. G. ii. 277.* The outermost rows were called *ANTEX*, *Id. 417. & Festus.*

When a vineyard was dug up (*refodiebatur*), to be planted anew, it was properly said *repastinari*, from an iron instrument, with two forks, called *pastinum*, *Col. iii. 18.*, which word is put also for a field ready for planting (*ager pastinatus*). An old vineyard thus prepared was called *VINETUM RESTIBILE*, *Id.*

The vines were supported by reeds (*arundines*), or round stakes (*PALI*, whence *vites palare*, i. e. *fulcire vel pedare*), or by pieces of cleft oak or olive, not round (*ridicæ*), *Plin. xvii. 22.*, which served as props (*adminicula* v. *pedamenta*), round which the tendrils (*claviculæ* v. *capreoli*, i. e. *colliculi* v. *cauliculi vitei intorti, ut cincinni*, *Varr. i. 31.*) twined. Two reeds or stakes (*valli furcæque bidentes*) supported each vine, with a stick (*pertica*) or reed across, called *JUGUM* or *CANTHERIUM*, *Col. iv. 12.*, and the tying of the vines to it, *CAPITUM CONJUGATIO et RELIGATIO*, *Cic. Sen. 15.*, was effected by osier or willow twigs, many of which grew near Ameria, in Umbria, *Virg. G. i. 265. Col. iv. 30. 4. Plin. xvi. 37. s. 69.*

Sometimes a vine had but a single pole or prop to support it, without a *jugum* or cross pole; sometimes four poles, with a *jugum* to each; hence called *vitis COMPLUVIATA* (*à cavis ædium compluviis*), *Plin. xvii. 21.*, if but one *jugum*, *UNIJUGA*, *22.* Concerning the fastening of vines to certain trees, see p. 394. The arches formed by the branches joined together (*cùm palmites sarmento inter se junguntur funium modo*), were called *FUNETÆ*, *Plin. xvii. 22.*, and branches of elms extended to sustain the vines, *TABULATA*, stories, *Virg. G. ii. 361.*

When the branches (*palmites* v. *pampini*) were too luxuriant, the superfluous shoots or twigs (*sarmenta*) were lopt off with the pruning knife (*ferro amputata*), *Cic. Sen. 15.* Hence *VITES compescere vel castigare; comas stringere, brachia tondere*, *Virg. G. ii. 368.* *Pampinare* for *pampinos decerpere*, to lop off the small branches, *Plin. xviii. 27.*

The highest shoots were called *FLAGELLA*, *Virg. G. ii. 299.*; the branches on which the fruit grew, *PALMÆ*; the ligneous or woody part of a vine, *MATERIA*; a branch springing from the stock, *PAMPINARIUM*; from another branch, *FRUCUTARIUM*; the mark of a hack or chop, *CICATRIX*; whence *cicatricosus*, *Plin. xvii. 22. Col. v. 6.*

\* On the different kinds of vines, see *Virg. G. ii. 91.*

The vines supported by cross stakes in dressing were usually cut in the form of the letter X, which was called *DECUSSATIO*, *Colum.* iv. 17.

The fruit of the vine was called *UVA*, a grape; put for a vine, *Virg. G.* ii. 60., for wine, *Horat. Od.* i. 20. 10., for a vine branch (*pampinus*), *Ovid. Met.* iii. 666., for a swarm (*examen*) of bees, *Virg. G.* iv. 558., properly not a single berry (*acinus* v. *-um*), *Suet. Aug.* 76., but a cluster, (*RACEMUS*, i. e. *acinorum congeries, cum pediculis*), *Col.* xi. 2.

The stone of the grape was called *VINACEUS*, v. *eum*, or *acinus vinaceus*, *Cic. Sen.* 15. Any cluster of flowers or berries (*racemus in orbem circumactus*), particularly of ivy (*hedera*), was called *CORYMBUS*, *Plin.* xvi. 34. *Virg. Ecl.* iii. 39. *Ovid. Met.* iii. 665., *crocei corymbi*, i. e. *flores*, *Col.* x. 301.

The season when the grapes were gathered [September or October,] was called *VINDEMIA*, the vintage (*a vino demendo*, i. e. *avis legendis*); whence *vindemiator*, a gatherer of grapes, *Horat. Sat.* i. 7. 30.

Vineyards (*VINEÆ* vel *vineta*), as fields, were divided by cross paths, called *LIMITES*; (hence *limitare*, to divide or separate, and *limes*, a boundary). The breadth of them was determined by law; see *lex MANILIA*. A path or road from east to west, was called *DECIMANUS*, sc. *limes (a mensura denum actuum)*; from south to north, *CARDO*, (*a cardine mundi*, i. e. the north pole; thus, Mount Taurus is called *CARDO*, *Liv.* xxxvii. 34.) or *Semita*; whence *semitare*, to divide by-paths in this direction, because they were usually narrower than the other paths. The spaces (*areae*), included between two *semitæ*, were called *PAGINÆ*, comprehending each the breadth of five *pali*, or *capita vitium*, distinct vines, *Plin.* xvii. 22. Hence *agri COMPAGINANTES*, contiguous grounds.

Vines were planted (*serebantur*) at different distances, according to the nature of the soil, usually at the distance of five feet, sometimes of eight; of twenty feet by the *Umbri* and *Marsi*, who ploughed and sowed corn between the vines, which places they called *PORCULETA*. Vines which were transplanted (*translatæ*), bore fruit two years sooner than those that were not (*satæ*), *Plin.* *ibid.*

The *Limites DECUMANI* were called *PRORSI*, i. e. *porrò versi*, straight; and the *CARDINES transversi*, cross, *Festus*. From the *decumani* being the chief paths in a field, hence *DECUMANUS* for *magnus*, thus, *Ova*, vel *poma decumana*, *Festus*. *Acipenser decumanus*, large, *Cic. Fin.* ii. 8. So *Fluctus decimanus* vel *decimus*, the greatest, *Ovid. Trist.* i. 249. *Met.* xi. 530. *Sil.* xiv. 122. *Lucan.* v. 672. *Senec. Agam.* 502.; as *τρίκρυπτα*, *tertius fluctus*, among the Greeks.\* *LIMITES* is also put for the streets of a city, *Liv.* xxxi. 24.†

Pliny directs the *limites decumani* in vineyards to be made eighteen feet broad, and the *cardines* or *transversi limites*, ten feet broad, *Plin.* xvii. 22. s. 35.

Vines were planted thick in fertile ground (*pingui campo*), and thinner on hills, but always in exact order (*ad unguem*), *Virg. G.* ii. 277.

\* See *Blomf. Gloss. in Æsch. Prom.* v. 1051.

† See *Niebuhr*, ii. p. 625.

The Romans in transplanting trees marked on the bark the way each stood, that it might point to the same quarter of the heaven in the place where it was set, *Virg. G. ii. 269. Columell. de Arbor. 17. 4. Pallad. Feb. 19. 2.*

In the different operations of husbandry, they paid the same attention to the rising and setting of the stars as sailors, *Id. G. i. 204.*, also to the winds, *Id. 51. iii. 273.*

The names of the chief winds were, *Aquilo*, or *Boreas*, the north wind; *Zephyrus*, vel *Favonius*, the west wind; *Auster* v. *Notus*, the south wind; *Eurus*, the east wind; *Corus*, *Caurus*, vel *Iāpyx*, the north-west; *Africus*, vel *Lips*, the south-west, *Senec. Nat. q. v. 16.*; *Volturnus*, the south-east, &c. But Pliny denominates and places some of these differently, *ii. 47. xviii. 33, 34.* Winds arising from the land were called *Alani*, or *apogæi*; from the sea, *tropæi*, *Plin. ii. 44.*

The ancients observed only four winds, called *VENTI CARDINALES*, *Serv. in Virg. i. 131.*, because they blow from the four cardinal points of the world, *Plin. ii. 47.* Homer mentions no more, *Odys. E. 295.*; so in imitation of him, Ovid, *Met. i. 16. Trist. i. 2. 27.*, and Manilius, *Astron. iv. 589.* Afterwards intermediate winds were added, first one, and then two, between each of the *venti Cardinales*.

### CARRIAGES OF THE ROMANS.

THE carriages (*VEHICULA*, *vectabula*, v. *-acula*) of the ancients were of various kinds; which are said to have been invented by different persons; by Bacchus and Ceres, *Tibull. ii. 1. 42.*, Minerva, *Cic. Nat. D. iii. 24.*, Erichthonius, *Virg. G. iii. 113.*, the Phrygians, *Plin. vii. 56.*, &c.

Beasts of burden were most anciently used, (*animalia vel jumenta DOSSUARIA*, vel *dorsualia*, from *DORSUM*, i. e. *tota posterior pars corporis*; *quòd ea deversa fit deorsum. Festus.*) A dorser, dorsel, or dosser, a pannel, or pack-saddle (*clitella* vel *stratum*), was laid on them to enable them to bear their burden more easily, used chiefly on asses and mules; hence called *CLITELLARIA*, humourously applied to porters, *geruli* vel *bajuli*, *Plaut. Most. iii. 2. 94.*, but not oxen; hence *CLITELLÆ BOVI SUNT IMPOSITÆ*, when a task is imposed on one which he is unfit for, *Cic. Att. v. 15.* *BOS CLITELLUS*, sc. *portat*, *Quinctil. v. 11. 21.*

This covering was by later writers called *SAGMA*; put also for *sella*, or *ephippium*, a saddle for riding on; hence *jumenta SAGMARIA*, vel *sarcinaria* et *SELLARIA*, *Veget. ii. 10. Lamprid. Heliog. 4.*, sometimes with a coarse cloth below, (*CENTO*, vel *centunculus*, a saddle-cloth.)

A pack-horse was called *CABALLUS*, or *CANTHERIUS*, v. *-ium*, sc. *jumentum*, (*quasi carenterius*, i. e. *equus castratus*, a gelding; *qui hoc distat ab equo, quod majalis a verre*, a barrow or hog from a boar, *capus a gallo, vervex ab ariete*, *Varro de Re Rust. ii. 7. fin.*) *Cic. Fam. ix. 18.*

Hence *minimè sis cantherium in fossâ*, be not a pack-horse in the ditch, *Liv. xxiii. 47.* Some make *cantherius* the same with *clitellarius*,

an ass or mule, and read, MINIME, sc. *descendam in viam*; SCIS, CANTHERIUM IN FOSSA, sc. *equus habebat obvium*, i. e. you know the fable of the horse meeting an ass or mule in a narrow way, and being trodden down by him, *Scheffer de Re Vehic.* See Swinburne's Travels in the South of Italy, vol. ii. sect. 66. Others suppose an allusion to be here made to the prop of a vine, *Gronovius in Loc.*

He who drove a beast of burden was called AGASO, and more rarely AGITATOR, *Virg. G. i. 273.* A leathern bag (*sacculus scortus*), or wallet, in which one who rode such a beast carried his necessities, was called HIPPOPERA, *Senec. Ep. 87.*, MANTICA, *Horat. Sat. i. 6. 106.*, PERA vel AVERTA, a cloak-bag or portmanteau, *Scholias. ib.*, or BULGA, *Festus.*

An instrument put on the back of a slave, or any other person, to help him to carry his burden, was called ÆRUMNULA, (from αἶψα, *tollo*), FURCA vel FURCILLA, *Festus, Plaut. Casin. ii. 8. 2.*, and because Marius, to diminish the number of waggons, which were an encumbrance to the army, appointed that the soldiers should carry their baggage, (*sarcinæ, vasa et cibaria*), tied up in bundles, upon *furcæ* or forks; both the soldiers and these *furcæ* were called MULI MARIANI, *Fest. in Ærumnula & Frontin. iv. 1. 7. Plutarch. in Mar. EXPELLERE, EJICERE, vel EXTRUDERE FURCA, vel furcillâ, to drive away by force, Horat. Ep. i. 10. 24. Cic. Att. xvi. 2.*

Any thing carried, not on the back, but on the shoulders, or in the hands of men, was called FERCULUM; as the dishes at an entertainment, *Suet. Aug. 74.*, the spoils at a triumph, *Id. Cæs. 37.*, the images of the gods at sacred games, *Id. 76.*, the corpse and other things carried at a funeral, *Id. Cal. 16.*

When persons were carried in a chair or sedan, on which they sat, it was called SELLA, *gestatoria, portatoria, v. fertoria*, *Suet. Ner. 26.*, or CATHEDRA, *Juvenal. i. 64. vi. 90.*, in a couch or litter [similar to the *Palanquin* of the East], on which they lay extended, LECTICA, vel CUBILE, *Suet. Dom. 2. Ovid. A. A. i. 487.*, used both in the city and on journeys, *Tac. Hist. i. 35. Ann. xiv. 4. Plin. Ep. iii. 5. Suet. Oth. 6. Ner. 26. Vit. 16.*, sometimes open, and sometimes covered, *Cic. Phil. ii. 41. Att. x. 12.*, with curtains of skin or cloth, *Martial. vi. 99. 11.*, called PLAGULÆ, *Suet. Tit. 10.*, which were occasionally drawn aside, *Senec. Suas. 7.*, sometimes with a window of glass, or transparent stone, *Juv. iii. 242. iv. 20.*, so that they might either read or write, or sleep in them, *Juv. iii. 249.* There were commonly some footmen or lackeys, who went before the sedan (CURSORES), *Petron. 28. Senec. Ep. 123.*

The *sellæ* and *lecticæ* of women were of a different construction from those of men; hence *sella vel lectica muliebris*, *Suet. Oth. 6.*; the *cathedra* is supposed to have been peculiar to women, *Juv. vi. 91. Mart. xii. 38.* The *sella* usually contained but one; the *lectica*, one or more, *Tacit. Hist. iii. 67. Suet. Ner. 9. Cic. Q. Fr. ii. 9.* The *sella* had only a small pillow (*cervical*) to recline the head on, *Juv. vi. 352.* The *lectica* had a mattress, *Senec. ad Marc. 16.*, stuffed with feathers; hence *pensiles plumæ*, *Juv. i. 159.*; sometimes with roses (*pulvinus rosæ farctus*), *Cic. Verr. v. 11.*, probably with ropes below, *Mart. ii. 57. 6. Gell. x. 3.*



The *sella* and *lecticæ* were carried by slaves, called LECTICARII, *calones*, *geruli*, v. *bajuli*, Senec. Ep. 80. 113., dressed commonly in a dark or red *penula*, Id. Ben. iii. 28., tall, (*longi* v. *procēri*) and handsome, Senec. Ep. 110., from different countries, Juv. iii. 240. vi. 350. vii. 132. viii. 132. ix. 142. They were supported on poles, (AS-SERES, vel *amites*,) Id. vii. 132. Mart. ix. 23. 9., not fixed, but removable (*exemptiles*), Suet. Cal. 58., placed on the shoulders or necks of the slaves, Plin. Pan. 22. 24., hence they were said *aliquem* SUCCOLLARE, Suet. Cl. 10., and those carried by them, *succollari*, Id. Oth. 6., who were thus greatly raised above persons on foot, particularly such as were carried in the *sella* or *cathedra*, Juvenal. iii. 240.

The *sella* was commonly carried by two, Juv. ix. 142., and the *lectica* by four; sometimes by six, hence called *hexaphōros*, Mart. ii. 81., and by eight OCTOPHOROS, v. -um, Id. vi. 59. ix. 3. See p. 418.\*

When the *Lectica* was set down, it had four feet to support it, usually of wood, Catull. x. 22., sometimes of silver or gold, Athen. v. 10. The kings of India had *Lecticæ* of solid gold, Curt. viii. 9.

The use of *Lecticæ* was thought to have been introduced at Rome from the nations of the East towards the end of the republic. But we find them mentioned long before, on journey, and in the army, Liv. xxiv. 42. Gell. x. 3. The Emperor Claudius is said first to have used a *sella* covered at top, Dio. lx. 2.

They do not seem to have been used in the city in the time of Plautus or of Terence; but they were so frequent under Cæsar, that he prohibited the use of them, unless to persons of a certain rank and age, and on certain days, Suet. Cæs. 43. Cl. 28. Those who had not sedans of their own, got them to hire, Juvenal. vi. 352. ix. 142. Hence we read in later times of CORPORA et CASTRA *Lecticariorum*, who seem to have consisted not only of slaves but of plebeians of the lowest rank, particularly freedmen, Mart. iii. 46. SELLÆ erant ad exonerandum ventrem aptæ, et PRIVATÆ vel FAMILIARICÆ, Varr. R. R. i. 14., et PUBLICÆ, Martial. xii. 78.

A kind of close litter carried (*gestata* v. *deportata*) by two mules, (MULI, ex equo et asino: HINNI, HINNULI, v. BURDONES, ex equo et asino,) Plin. viii. 44. s. 69, or little horses, MANNI, Ovid. Amor. ii. 16. 49. [Hor. Od. iii. 27. Epod. iv. 14.] i. e. equi minuti, vel pumili, s. -iones (dwarfs,) was called BASTARNA, mentioned only by later writers.

A carriage without wheels, drawn by any animals, was called TRAHA, v. -ea, vel traga, a sledge, used in rustic work in beating

\* The litters were more or less respectable, as to their appearance, from the number of bearers which carried them. So Juvenal, in satirising the importance which was attached, in his day, to fashionable and expensive appearance, says, that if any person wishes to employ you as counsel, his first query is, —

“ An tibi servi  
Octo, decem comites, an post te sella, togati  
Ante pedes.” — Sat. vii. 141—143.

Whether a litter (*sella*) is carried after you (so that you may get into it when you please); whether there are eight slaves to bear it; what is your retinue (*comites*); and whether you are preceded by a number of poor clients (*togati*), who are dependent upon you.

out the corn, see p. 477. (called by Varro, *Panicum plostellum*, R.R. 1. 52., because used for that purpose by the Carthaginians,) and among northern nations in travelling on the ice and snow.

Carriages with one wheel were called UNAROTA, *Hygin.* ii. 14. A vehicle of this kind drawn by the hands of slaves, CHIRAMAXIUM, *Petron.* 28., or ARCUMA, *Festus*. A vehicle with two wheels, BIROTUM; with four, (*quadrirotium*), τετράκυκλος ἀπήνη, v. τετράτροχος, *quatuor rotarum currus*, *Homer.* Il. Ω. 324.

Two horses yoked to a carriage were called BIGÆ, *bijūgi*, v. *bijūges*; three, *trigæ*; and four, *quadrigæ*, *quadrijūgi*, v. *-ges*; frequently put for the chariot itself, *bijuge curriculum*, *Suet. Cal.* 19., *quadrijugus currus*, *Virg. G.* iii. 18., but *Curriculum* is oftener put for *cursus*, the race, *Cic. Rabir.* 10. *Marcel.* 2. *Horat. Od.* i. 1. 3. We also read of a chariot drawn by six horses, joined together a-breast, (*ab Augusto sejuges, sicut et elephanti*, *Plin.* xxxiv. 5. s. 10.) for so the Romans always yoked their horses in their race-chariots; Nero once drove a chariot at the Olympic games, drawn by ten horses, (*aurigavit decemjugem*, sc. *currum*,) *Suet. N.* 24. See also *Aug.* 94.

Those who drove chariots in the *circus* at Rome, with whatever number of horses, were called QUADRIGARII, *Suet. Ner.* 16., from the *quadrigæ* being most frequently used; hence FACTIONES QUADRIGARIORUM, *Festus*.

Those who rode two horses joined together, leaping quickly from the one to the other, were called DESULTORES; hence *desultor* v. *desertor amoris*, inconstant, *Ovid. Amor.* i. 3. 15., and the horses themselves DESULTORII, *Liv.* xlv. 9. *Suet. Cæs.* 39., sometimes successfully used in war, *Liv.* xxiii. 29.

The vehicles used in races were called CURRUS, or *curricula* chariots, *a currendo*, from their velocity, having only two wheels, by whatever number of horses they were drawn. So those used in war by different nations; of which some were armed with scythes, (*currus falcati, falcata quadrigæ*,) in different forms, *Liv.* xxxvi. 41, 42. *Curt.* iv. 9. Also those used by the Roman magistrates, the consuls, prætors, censors, and chief ædiles, whence they were called MAGISTRATUS CURULES, *Gell.* iii. 18., and the seat on which these magistrates sat in the senate-house, the *rostra*, or tribunal of justice, SELLA CURULIS, because they carried it with them in their chariots, *Id. & Isidor.* xx. 11.

It was a stool or seat without a back, (*anaclinterium*, v. *tabulatum a tergo surgens in quod reclinari posset*,) with four crooked feet, fixed to the extremities of cross pieces of wood, joined by a common axis, somewhat in the form of the letter X (*decussatim*), and covered with leather; so that it might be occasionally folded together for the convenience of carriage, and set down wherever the magistrates chose to use it, *Plutarch. in Mar. Suet. Aug.* 43. *Gell.* vi. 9., adorned with ivory; hence called CURULE EBUR, *Horat. Ep.* i. 6. 53., and ALTA, *Sil.* viii. 488., because frequently placed on a tribunal, or because it was the emblem of dignity: REGIA, because first used by the kings, *Liv.* i. 20. *Virg. Æn.* xi. 334., borrowed from the Tuscans, *Liv.* i. 8. *Flor.* i. 5., in later times adorned with engravings; *conspicuum signis*, *Ovid. Pont.* iv. 5. 11.

A carriage in which matrons were carried to games and sacred rites, was called **PILENTUM**, an easy soft vehicle (*pensile*), Serv. in Virg. *Æn.* viii. 666., with four wheels; usually painted with various colours, *Isidor.* xx. 12. The carriage which matrons used in common (*festo profestoque*) was called **CARPENTUM**, *Liv.* v. 25., named from Carmenta, the mother of Evander, *Ovid. Fast.* i. 620., commonly with two wheels, and an arched covering; as the *flamines* used (*currus arcuatus*), *Liv.* i. 21. 48. *Suet. Tib.* 2. Cl. 11., sometimes without a covering, *Liv.* i. 34. Women were prohibited the use of it in the second Punic war by the *Oppian* law, *Liv.* xxxiv. 1., which, however, was soon after repealed, *Ib.* 8. — put for any carriage, *Flor.* i. 18. iii. 2. 10.

A splendid carriage with four wheels and four horses, adorned with ivory and silver, in which the images of the gods were led in solemn procession [*pompa*] from their shrines (*e sacrariis*) at the *Circensian* games, to a place in the *Circus*, called **PULVINAR**, *Suet. Aug.* 45., where couches were prepared for placing them on, was called **THENSA**, *Festus*; from the thongs stretched before it (*loras tensa*), *Asc. in Cic. Verr.* i. 59., attended by persons of the first rank, in their most magnificent apparel, *Liv.* v. 41., who were said *Thensam DUCERE* vel *DEDUCERE*, *Id.* & *Suet. Aug.* 43. *Vesp.* 5., who delighted to touch the thongs by which the chariot was drawn (*funemque manu contingere gaudent*), *Ascon. Ib.* Virg. *Æn.* ii. 239. And if a boy (*puer patrimus et matrimus*) happened to let go (*omittere*) the thong which he held, it behoved the procession to be renewed, *Cic. Resp. H.* 10. 11.\*

Under the emperors, the decreeing of a *Thensa* to any one was an acknowledgment of his divinity, *Suet. Cæs.* 76.

A carriage with two wheels, for travelling expeditiously, was called **CISIUM**, q. *citium*, *Cic. Phil.* ii. 31. *S. Rosc.* 7. *Senec. Ep.* 72., the driver, **CISIARIUS**, *Ulpian*; drawn usually by three mules, *Anon. Ep.* viii. 7., its body (*capsum* v. -a) of basket-work (**PLOXIMUM**, v. -*ēmum*), *Festus*. A larger carriage, for travelling, with four wheels, was called **RHEDA**, a Gallic word, *Quinctil.* i. 9. *Cic. Mil.* 10. *Att.* v. 17. vi. 1., or **CARRUCA**, *Suet. Ner.* 30., the driver, **RHEDARIUS**, or **CARRUCARIUS**, *Ib.*, a hired one, **MERITORIA**, *Suet. Cæs.* 57., both also used in the city, *Martial.* iii. 47., sometimes adorned with silver, *Plin.* xxxiii. 11. An open carriage with four wheels, [drawn by mules,] for persons of inferior rank, as some think, was called **PE-TORRITUM**, *Gell.* xv. 30. *Horat. Sat.* i. 6. 104., also a Gallic word, *Festus*.

A kind of swift carriage used in war by the Gauls and Britons, was called **ESSEDUM**, [*Cic. Phil.* ii. 24.] *Cæs. B. G.* iv. 33. *Virg. G.* iii. 204., the driver, or rather one who fought from it, **ESSEDARIUS**, *Cic. Fam.* vii. 6. *Cæs. v.* 19., adopted at Rome for common use, *Cic. Phil.* ii. 58. *Suet. Cal.* 26. *Galb.* vi. 18.

A carriage armed with scythes, used by the same people, **CO-**

\* The *Thensa* is considered by some to have been properly a canopy held over the *ferculum* on which the statue was placed. See *Burgess on the Circensian Games*, p. 18.

VINUS, *Sil.* xvii. 418., the driver, COVINARIUS, *Tacit. Agr.* 35, 36.; similar to it was probably BENNA, *Festus*.

In the war-chariots of the ancients, there were usually but two persons, one who fought (*bellator*), and another who directed the horses (*auriga*, the charioteer), *Virg. Æn.* ix. 330. xii. 469. 624. 737.

An open carriage for heavy burdens (*vehiculum onerarium*) was called PLAISTRUM, or *veha* (ἄμαξα), a waggon or wain; generally with two wheels, sometimes four; drawn commonly by two oxen or more, *Virg. G.* iii. 536., sometimes by asses or mules. A waggon or cart with a coverlet wrought of rushes laid on it, for carrying dung or the like, was called SCIRPEA, *Varr. L. L.* iv. 3., properly the coverlet itself, sc. *crates*; *In plaistro scirpea lata fuit*, *Ovid. Fast.* vi. 780. A covered cart or waggon laid with cloths, for carrying the old or infirm of meaner rank, was called ARCERA, *quasi arca*, *Gell.* xx. 1.

The load or weight which a wain could carry at once (*und vecturâ*), was called VEHEŚ, -is, *Col.* xi. 2.

A waggon with four wheels was also called CARRUS, v. -um, by a Gallic name, *Cæs. B. G.* i. 6. 26. *Liv.* x. 28., or SARRACUM, *Juv.* iii. 255., or EPIRHEDIUM, *Id.* viii. 66. *Quintil.* i. 5., and by later writers, ANGARIA, vel CLABULARE; also CARRAGIUM, and a fortification formed by a number of carriages, CARRAGO, *Am. Marcellin.* xxxi. 20.

SARRACA *Boöta*, v. -tis, or *plaustra*, is put for two constellations, near the north pole, *Juvenal.* v. 23., *Ovid. Met.* ii. 117., called the two bears (*Arctigeminæ*, vel *duæ ἀρκτοι*), URSA MAJOR, named *Helice* (*Parrhâsis*, i. e. *Arcadica*), *Lucan.* ii. 237. *Cic. Acad.* iv. 20., PARRHASIS ARCTOS, *Ovid. Trist.* i. 3. 48., from Callisto, the daughter of Lycæon, king of Arcadia, who is said to have been converted into this constellation by Jupiter, *Ovid. Met.* ii. 506., and URSA MINOR, called CYNOSURA, i. e. *κυνὸς οὐρὰ*, *canis cauda*, *Cic. N. D.* ii. 41. *Ovid. Fast.* iii. 106., properly called ARCTOS, distinguished from the great bear (*HELICE*), *Ovid. Ep.* xviii. m.

The greater bear alone was properly called PLAISTRUM, *Hygin. Poet. Astron.* i. 2., from its resemblance to a waggon, *Ovid. Pont.* iv. 10. 39., whence we call it *Charles's Wain*, or the *Plough*; and the stars which compose it, TRIONES, *Martial.* vi. 58. q. TERIONES, ploughing oxen, *Varr. L. L.* vi. 4. *Gell.* ii. 21.; seven in number, SEPTEMTRIONES, *Cic. Ib.* 42.\* But *plaustra* in the plur. is applied to both bears; hence called GEMINI TRIONES, *Virg. Æn.* i. 744., also *inoccidui* v. *nunquam occidentes*, because they never set, *Cic. Ib. Oceani metuentes æquore tingi*, *Virg. G.* i. 246., for a reason mentioned, *Ovid. Fast.* ii. 191., and *tardi vel pigri*, because, from their vicinity to the pole, they appear to move slowly, *Neque se quòquam in cælo commovent*, *Plaut. Amph.* i. 1. 117.

The *Ursa Major* is attended by the constellation BOOTES, q. *bulcus*, the ox-driver, *Cic. N. D.* ii. 42., said to be retarded by the

\* " Or, seven oxen; for, as they go round and round the pole without ever setting, the analogy between them and the oxen which trod out the corn by going round and round the *area*, or threshing-floor, was an obvious one." — *Keightley's Fasti*, p. xiii.

slowness of his wains, *Ovid. Met. ii. 177.* named also **ARCTOPHYLAX**, q. *ursæ custos*, *Manil. i. 316.*, *Custos Erymanthidos Ursæ*, *Ovid. Trist. i. 3. 103.*, into which constellation *Arcas*, the son of Callisto by Jupiter, was changed, and thus joined with his mother, *Ovid. Met. ii. 506. viii. 206.* A star in it of the first magnitude was called **ARCTURUS**, q. *ἀρκτου ὑπὸν*, *ursæ cauda*: **STELLA POST CAUDAM URSÆ MAJORIS**, *Serv. in Virg. Æn. i. 744. iii. 516. G. i. 204.*; said to be the same with Boötes, *Id. G. 67.*, as its name properly implies, *ἀρκτου ὀπίς*, *ursæ custos*. Around the pole moved the dragon (*draco v. anguis*; *geminus qui separat Arcos*, *Ovid. Met. ii. 45.*), approaching the *ursa major* with its tail, and surrounding the *ursa minor* with its body, *Virg. G. i. 244.*

The principal parts of a carriage were, 1. The wheels (**ROTÆ**), the body of the carriage (**CAPSUM**, -us, v. -a, **PLOXEMUM**, v. -us, *Festus*), and draught-tree (**TEMO**), to which the animals which drew it were yoked.

The wheels consisted of the axletree (**AXIS**), a round beam (*lignum*, v. *stipes teres*), on which the wheel turns; the nave (*modiölus*), in which the axle moves, and the spokes (*radii*) are fixed; the circumference of the wheel (*peripheria*, v. *rotæ summæ curvatura*, *Ovid. Met. ii. 108.*), composed of fellyes (*apsides*), in which the spokes are fastened, commonly surrounded with an iron or brass ring (*canthus*), *Quinctil. i. 5. 8. Pers. v. 71.*

A wheel without spokes (*non radiata*) was called **TYMPANUM**, from its resemblance to the end of a drum. It was made of solid boards (*tabulæ*), fixed to a square piece of wood, as an *axis*, without a nave, and strengthened by cross bars (*transversis asseribus*), with an iron ring round (*ferreus canthus*): so that the whole turned together on the extremities of the *axis*, called **CARDINES**, *Probus in Virg. G. i. 163.* Such wheels were chiefly used in rustic wains, *Ibid. & G. ii. 444.*, as they are still in this country, and called **TUMBLERS**. *Tympanum* is also put for a large wheel, moved by horses or men for raising weights from a ship, or the like, by means of pulleys (*trochleæ*), ropes, and hooks, a kind of crane (*tollēno, grus*, v. *γέρανος*), *Lucret. iv. 903.*, or for drawing water (*machina haustoria*), *Vitruv. x. 9.*, *Curva ANTLIA*, *Mart. ix. 19.*, *ANCLA v. ANTHA*, *Suet. Tib. 51.* (*ἀντλημα*), *John, vi. 11.* **HAUSTUM**, v. *rota aquaria*, sometimes turned by the force of water, *Lucret. v. 317.*; the water was raised through a siphon (*sipho* v. -on, *fistula* v. *canalis*), by the force of a sucker (*embölus* v. -um), as in a pump, or by means of buckets (*modioli* v. *hamæ*), *Juvenal. xiv. 305.* Water-engines were also used to extinguish fires, *Plin. Ep. x. 42.*

From the supposed diurnal rotation of the heavenly bodies, **AXIS** is put for the line around which they were thought to turn, *Cic. de Univ. 10. Vitruv. ix. 2.*, and the ends of the *axis*, **CARDINES**, **VERTICES**, vel **POLI**, for the north and south poles, *Cic. N. D. ii. 41. Virg. G. i. 242. Plin. ii. 15.* **AXIS** and **POLUS** are sometimes put for *cælum* or *æther*; thus, *sub ætheris axe*, i. e. *sub dio* vel *aëre*, *Virg. Æn. ii. 512. viii. 28.*; *lucidus polus*, *iii. 585.*; *Cardines mundi quatuor*, the four cardinal points; **SEPTENTRIO**, the north; **MERIDIES**, the south; **ORIENS**, sc. *sol*, vel *ortus solis*, the east; **OCCIDENS**, v. *occasus solis*, the west: *Quinctil. xii. 10. 67.*, *cardo Eōus*, the east, *Stat. Theb.*

i. 157., *occiduus* v. *Hesperius*, the west, *Lucan.* iv. 672. v. 71. In the north Jupiter was supposed to reside; hence it is called DOMICILIUM JOVIS, *Serv. in Virg. Æn.* ii. 693. SEDES DEORUM, *Festus in SINISTRÆ AVES*; and as some think, PORTA CÆLI, *Virg. G.* iii. 261., thus, *Tempestas a vertice*, for *septentrione*, *Ib.* ii. 310.

The animals usually yoked in carriages were horses, oxen, asses, and mules, sometimes camels, *Suet. Ner.* 11. *Plin.* viii. 18.; elephants, *Curt.* viii. 9. *Plin.* viii. 2. *Suet. Cl.* 11. *Senec. de Ir.* ii. 31.; and even lions, *Plin.* viii. 16.; tigers, leopards, and bears, *Martial.* i. 105.; dogs, *Lamprid. Heliog.* 28.; goats and deer, *Mart.* i. 52.; also men, *Plin.* xxxiii. 3. *Lucan.* x. 276.; and women, *Lamprid. ib.* 29.

Animals were joined to a carriage (*vehiculo* v. *ad vehiculum jungentur*, *Virg. Æn.* vii. 724. *Cic. Att.* vi. 1. *Suet. Cæs.* 31.), by what was called JUGUM, a yoke; usually made of wood, but sometimes also of metal, *Horat. Od.* iii. 9. 18. *Jerem.* xxviii. 13., placed upon the neck, one yoke commonly upon two, of a crooked form, *Ovid. Fast.* iv. 216., with a band (*curvatura*) for the neck of each. Hence *sub JUGO cogere*, v. *jungere*; *colla* v. *cervices jugo subjicere, subdere, submittere*, v. *supponere*, & *eripere*: JUGUM *subire, cervice ferre, detrectare, exuere, a cervicibus deicere, excutere*, &c.

The yoke was tied to the necks of the animals, and to the pole or team with leathern thongs (*lora SUBJUGIA*), *Cato* 63. *Vitruv.* x. 8.

When one pair of horses was not sufficient to draw a carriage, another pair was added in a straight line, before, and yoked in the same manner. If only a third horse was added, he was bound with nothing but ropes, without any yoke.

When more horses than two were joined a-breast (*æquatâ fronte*), a custom which is said to have been introduced by one Clisthènes of Sicyon, two horses only were yoked to the carriage, called JUGALES, *jugarii*, v. *juges* (ζύγιοι), *Festus*; and the others were bound (*appensi vel adjuncti*) on each side with ropes; hence called FUNALES EQUI, *Suet. Tib.* 9. *Stat. Theb.* vi. 461. (σειραφόροι, σειραῖοι, [παράσιυροι] v. παρήοροι), *Dionys.* vii. 73. *Isidor.* xvii. 35. *Zonar. Ann.* ii., or PUNES, *Auson. Epitaph.* xxxv. 10., in a chariot of four (*in quadrīgis*), the horse on the right, DEXTER, v. *primus*: on the left, SINISTER, *lævus* v. *secundus*, *Id.* This method of yoking horses was chiefly used in the Circensian games, or in a triumph.

The instruments by which animals were driven or excited, were,—  
1. The lash or whip, (*Flagrum*, v. FLAGELLUM, μάστιξ), made of leathern thongs, (*SCUTICA, loris horridis*, σκυτάλη, *Martial.* x. 62.), or twisted cords, tied at the end of a stick, sometimes sharpened (*aculeati*) with small bits of iron or lead at the end (*HORRIBILE FLAGELLUM*, *Horat. Sat.* i. 3. 117.) and divided into several lashes (*tæniæ* v. *lora*), called SCORPIONS, 1 *Kings*, xii. 11.

—2. A rod (*VIRGA*, *Juvenal.* iii. 317. *Lucan.* iv. 683.), or goad (*STIMULUS*, i. e. *pertica cum cuspidē acutâ*), a pole, or long stick, with a sharp point. Hence *stimulos alicui adhibere, admove, addere, adjicere*; *stimulis fodere, incitare*, &c. *Adversus stimulum calces*, sc. *jactare*, to kick against the goad, *Ter. Phorm.* i. 2. 28., πρὸς κίντρα λακ-  
τίζων, *in stimulos calcitrare*, *Acts*, ix. 5.

—And 3. A spur, (*CALCAR, quod calci equitis alligetur*; *ferratâ calce cunctantem impellebat equum*, *Sil.* vii. 696.), used only by riders.



Hence, *equo calcaria addere, subdere, &c.* *Alter frenis eget, alter calcaribus*, said by Isocrates of Ephōrus and Theopompus, *Cic. Att. vi. 1. Orat. iii. 9.*

The instruments used for restraining and managing horses, were, — 1. The bit or bridle (FRÆNUM, pl. -i, v. -a), said to have been invented by the *Lapithæ*, a people of Thessaly, *Virg. G. iii. 115.*, or by one Pelethronius, *Plin. vii. 56.*; the part which went round the ears was called AUREA; that which was put into the mouth, properly the iron or bit, OREA, *Festus*; sometimes made unequal and rough, like a wolf's teeth, particularly when the horse was headstrong (TENAX), *Liv. xxxix. 5. Ovid. Am. iii. 4. 13. (durior oris equus), Ib. ii. 9. 30.*; hence *frena LUPATA*, *Horat. Od. i. 8. 6. Virg. G. iii. 208. Ovid. Am. i. 2. 15.*; or LUPI, [Gr. λύκοι], *Id. Trist. iv. 6. 4. Stat. Achill. i. 281. Frena injicere, concutere, accipere, mandere, detrahere, laxare, &c. Frænum mordere*, to be impatient under restraint or subjection, *Cic. Fam. xi. 23.*, but in *Martial. i. 105. & Stat. Sylv. i. 2. 28.*, to bear tamely.

The bit was sometimes made of gold, as the collars (*monilia*), which hung from the horses' necks; and the coverings for their backs (*strata*) were adorned with gold and purple, *Virg. Æn. vii. 279.*

— 2. The reins (HABENÆ, vel *Lora*); hence *habenas corripere, flectere, v. moliri*, to manage; *dare, immittere, effundere, laxare, permittere*, to let out; *adducere*, to draw in, and *supprimere*, *Ovid. Am. i. 13. 10.*

To certain animals, a head-stall or muzzle (CAPISTRUM) was applied, *Virg. G. iii. 188.*, sometimes with iron spikes fixed to it, as to calves, or the like, when weaned, *Ib. 399.*, or with a covering for the mouth (*fiscella*); hence *fiscellis capistrare boves*, to muzzle, *Plin. xviii. 19.*, *φιμῶν, Deut. xxv. 4.*, *os consuere*, *Senec. Ep. 47.* But *Capistrum* is also put for any rope or cord; hence *vitem capistro constringere*, to bind, *Columell. iv. 20. Jumenta capistrare*, to tie with a halter, or fasten to the stall, *Id. vi. 19.*

The person who directed the chariot and the horses, was called AURIGA (*ἡνίοχος, qui lora tenebat*); or *agitator* (*ἐλάτης*), the charioteer or driver, *Ovid. Met. ii. 327. Cic. Att. xiii. 21. Acad. iv. 29.*; also MODERATOR, *Lucan. viii. 199.* But these names are applied chiefly to those who contended in the Circus, *Suet. Cal. 54. Ner. xxii. 24. Plin. Ep. ix. 6.*, or directed chariots in war, *Virg.*, and always stood upright in their chariots (*insistebant curribus*), *Plin. Ep. ix. 6.* Hence AURIGARE for *currum regere*: and AURIGARIUS, a person who kept chariots for running in the Circus, *Suet. ib.*

*Auriga* is the name of a constellation in which are two stars, called HÆDI (the kids), above the horns of *Taurus*, *Serv. in Virg. Æn. ix. 668.* On the head of *Taurus*, are the *Hyædes* (*ab ἑὺν, pluere*), or *Suculæ* (*a suibus*), *Cic. N. D. ii. 43. Plin. ii. 39. Gell. xiii. 9.*, called *Pluviae*, by Virgil, *Æn. iii. 516.*, and *Tristes*, by Horace; because at their rising and setting, they were supposed to produce rains, *Od. i. 3. 14.*; on the neck, or, as Servius says, *G. i. 137.*, *ante genua tauri*, *Plin. ii. 41.*; in caudâ tauri septem PLEIADES, or VERGILIÆ, the seven stars; sing. *Pleias* vel *PLIAS*, *Ovid. Ep. xviii. 188.*

AGITATOR is also put for *agāso* (*qui jumenta agebat*), a person who drove any beasts on foot, *Virg. G. i. 273.* But drivers were com-

monly denominated from the name of the carriage; thus, *rhetarius*, *plaustrarius*, &c. or of the animals which threw it; thus, *MULIO*, *Suet. Ner.* 30. *Senec. Ep.* 87. *Martial.* ix. 58. xii. 24., commonly put for a *muleteer*, who drove mules of burden (*muli clitellarii*), *Martial.* x. 2. 76., as *equiso* for a person who broke or trained horses (*equorum domitor*, *qui totum incedere*, v. *badizare docebat*, to go with an ambling pace,) under the *Magister Equorum*, the chief manager of horses, *Varro*. The horses of Alexander and Cæsar would admit no riders but themselves, *Curt.* iv. 5. *Plin.* viii. 42. *Dio.* xxxvii. 54.

The driver commonly sat behind the pole, with the whip in his right hand, and the reins in the left; hence he was said *sedere primâ sellâ*, *Phædr.* iii. 6., *sedere temone*, v. *primo temone*, i. e. *in sellâ proximâ temoni*, *Stat. Silv.* i. 2. 144. *Propert.* iv. 8., and *temone labi*, v. *excute*, to be thrown from his seat, *Virg. Æn.* xii. 470., sometimes dressed in red (*canusinatus*, i. e. *veste Canusii confectâ indutus*), *Suet. Ner.* 30., or scarlet (*cocco*), *Martial.* x. 76.; sometimes he walked on foot, *Liv.* i. 48. *Dionys.* iv. 39. *Senec. Ep.* 87.

When he made the carriage go slower, he was said, *currum equosque sustinere*, *Cic. Att.* xiii. 21.\*; when he drew it back or aside, *retorquere et avertere*, *Virg. Æn.* xii. 485.

Those who rode in a carriage or on horseback were said *vehi*, or *portari*, *evehi*, or *invehi*: those carried in a hired vehicle (*vehiculo meritorio*), *VECTORES*: so passengers in a ship, *Cic. Nat. D.* iii. 37. 3. *Juvenal.* xii. 63.; but *vector* is also put for one who carries, *Ovid. Fast.* i. 433. *Fulminis vector*, i. e. *aquila*, *Stat. Theb.* ix. 855., as *vehens* for one who is carried, *Cic. Clar. Or.* 97. *Justin.* xi. 7. *Gell.* v. 6.; so *invehens*, *Cic. N. D.* i. 28.

When a person mounted a chariot, he was said *currum conscendere*, *ascendere*, *inscendere*, et *insilire*, which is usually applied to mounting on horseback, *saltu in currum emicare*, *Virg.* xii. 327.; when helped up, or taken up by any one, *curru* v. *in currum tolli*. The time for mounting in hired carriages was intimated by the driver's moving his rod or cracking his whip, *Juvenal.* iii. 317.; to dismount, *descendere* v. *desilire*.

The Romans painted their carriages with different colours, *Serv. in Virg. Æn.* viii. 666., and decorated them with various ornaments with gold and silver, and even with precious stones, *Plin.* xxxiii. 3. *Juvenal.* vii. 125., as the Persians, *Curt.* iii. 3. x. 1. Hence *Ovid. Met.* ii. 107.

## OF THE CITY.†

ROME was built on seven hills (*colles*, *montes*, *arces*, vel *juga*, nempe, *Palatinus*, *Quirinālis*, *Aventinus*, *Cælius*, *Viminūlis*, *Exquilinus*, et

\* The drag which they put upon the wheel for this purpose was called *sufflamen*: *Juv. Sat.* viii. 148.: —

*Ipsæ rotam stringit multo sufflamine Consul.*

† The following is Eustace's description of a view of Rome: — "From St. Peter's we hastened to the Capitol, and ascending the tower, seated ourselves under the shade of its pinnacle, and fixed our eyes on the view beneath and around us. That view was no other than ancient and modern Rome. Behind us the modern town lay extended over the Campus Martius, and, spreading along the banks of the

Janicularis); hence called *urbs* SEPTICOLLIS; or SEPTEMGEMINA, *Stat. Silv.* i. 2. 191. iv. 1. 6., by the Greeks, ἐπτάλοφος, *Serv. in Virg. Æn.* vi. 784., *G.* ii. 535., and a festival was celebrated in December, called SEPTIMONTIUM, *Festus, Suet. Dom.* 4., to commemorate the addition of the seventh hill, *Plutarch. Q. Rom.* 68. \*

The *Janiculum* seems to be improperly ranked by Servius among the seven hills of Rome; because, though built on, and fortified by Ancus, *Liv.* i. 33., it does not appear to have been included within the city, *Id.* ii. 10. 51. *Dio.* 37. *Gell.* xv. 27., although the contrary is asserted by several authors, *Eutrop.* i. 5. The *Collis Capitolinus*, vel *Tarpeius*, which Servius omits, ought to have been put instead of it.

The *Janiculum*, *Collis Hortulorum*, and *Vaticanus* were afterwards added.

1. *Mons PALATINUS*, vel *PALATIUM*, the Palatine Mount, [where Evander resided, when Æneas first landed,] on which alone Romulus built, *Liv.* i. 7. † Here Augustus had his house ‡, and the succeeding emperors, as Romulus had before [Nero's golden house was on this hill]: Hence the Emperor's house was called *PALATIUM*, a palace, *Suet.* 72. *Dio.* liii. 16. *DOMUS PALATINA*, *Suet.*

Tiber, formed a curve round the base of the Capitol. Before us, scattered in vast black shapeless masses over the seven hills, and through the intervening valleys, arose the ruins of the ancient city. They stood desolate, amidst solitude and silence, with groves of funereal cypress waving over them; the awful monuments, not of individuals, but of generations; not of men, but of empires. Immediately under our eyes, and at the foot of the Capitol, lay the Forum, lined with solitary columns, and terminated at each end by a triumphal arch. Beyond, and just before us, rose the Palatine Mount, encumbered with the substructions of the imperial palace, and of the temple of Apollo; and farther on, ascended the Cælian Mount, with the temple of Faunus on its summit. On the right was the Aventine, spotted with heaps of stone swelling amidst its lonely vineyards. To the left the Esquiline, with its scattered tombs and tottering aqueducts; and in the same line, the Viminal and the Quirinal, supporting the once magnificent baths of Diocletian. The baths of Antoninus, the temple of Minerva, and many a venerable fabric bearing on its shattered form the traces of destruction, as well as the furrows of age, lay scattered up and down the vast field; while the superb temples of St. John Lateran, *Santa Maria Maggiore*, and *Santa Croce*, arose, with their pointed obelisks, majestic but solitary monuments, amidst the extensive waste of time and of desolation. The ancient walls, a vast circumference, formed a frame of venerable aspect, well adapted to this picture of ruin, this cemetery of ages, *Romani bustum populi.*" — Vol. i. p. 363.

\* "The festival called Septimontium preserved the remembrance of a time when the Capitoline, Quirinal, and Viminal hills were not yet incorporated with Rome; but when the remainder of the city, to the extent afterwards enclosed, with the exception of the Aventine, which was and continued a borough, by the wall of Servius, formed a united civic community. It consisted of seven districts, which, as such, had each its own holidays and sacrifices, even in the age of Tiberius: Palatium, Velia, Cermalus, Cælius, Fagutal, Oppius, Cispius. Not that every one of these places had a claim to be called a hill: one unquestionably (the Cermalus), and perhaps a second (Fagutal), lay in the plain at the foot of the Palatine hill." — *Nieb.* i. p. 334. In the Cermalus were the Lupercal and the Ficus Ruminalis.

† "The straw hut of Romulus was preserved by continual repairs down to the time of Nero, as a sacred relic." — *Nieb.* i. p. 185. Others state this to have been on the Capitoline. See *Burton's Antiq.* i. p. 51.; see also below, in the account of the Capitol.

‡ He inhabited one which had belonged to the orator Hortensius, and by no means conspicuous for its splendour. — *Suet. Aug.* 72.

*Cl.* 17. *Vesp.* 25. *D.* 15., and in later times, those who attended the emperor were called **PALATINI**. [Caligula united this with the Capitol by a bridge across the Forum.]

2. **CAPITOLINUS**; so called from the Capitol built on it, formerly named **SATURNIUS**, from Saturn's having dwelt there, *Justin.* xliii. 1. *Virg. ibid.*, and **TARPEIUS**, from Tarpeia, who betrayed the citadel to the Sabines, *Liv.* i. 11. *Dionys.* ii. 38., to whom that mount was assigned to dwell in, *Liv.* i. 33. \*

3. **AVENTINUS**, the most extensive of all the hills, *Dionys.* iv. 26. [*Virg. Æn.* viii. 230.], named from an Alban king of that name, who was buried on it, *Liv.* i. 3.; the place which Remus chose to take the omens, *Ib.* 6., therefore said not to have been included within the *Pomærium*, *Gell.* xiii. 14. *Senec. de Brev. Vitæ*, 14., till the time of Claudius, *Ibid.* But others say, it was joined to the city by Ancus, *Liv.* i. 33.† *Dionys.* iii. 43., called also *Collis MURCIUS*, from *Murcia*, the goddess of sleep, who had a chapel (*sacellum*) on it, *Festus*; *Collis DIANÆ*, from a temple of Diana, *Stat. Silv.* ii. 3. 32., [built by Servius Tullius, *Livy*, i. 45.] and *REMONIUS*, from *Remus*, who wished the city to be founded there.‡

4. **QUIRINALIS** is supposed to have been named from a temple of Romulus, called also *Quirinus*, which stood on it, *Horat. Ep.* ii. 268. *Ovid. Fast.* iv. 375., or from the Sabines, who came from *Cures*, and dwelt there, *Festus*: added to the city by Servius, *Liv.* i. 44.; called in later times, *Mons Caballi*, or *Caballinus*, [*Monte Cavallo*,] from two marble horses placed there [by Sextus V., and found in the baths of Constantine.]§

\* "The oldest monument of Rome is the prison, formed out of a quarry opened in the Capitoline hill, the work of Ancus." — *Nieb.* i. p. 309. The Tarpeian rock was a precipitous part of the hill, from whence criminals were hurled.

† "He assigned habitations there to the Latins (U. C. 119) from the towns which had been destroyed; and this hill was afterwards the site of what was peculiarly the plebeian city." — *Nieb.* i. p. 355.

‡ Also, according to Virgil, the residence of Cacus, and the scene of Hercules' victory over him.

§ "Incomparably more important was the town on what in early times was called the Agonian Hill, the town of which the Capitoline may be considered as the citadel: for the skirts of these two hills met, where a part of the Forum Ulpium was afterwards situated. If we enquire after the particular name of this town, I think I may assume, without scruple, that it was Quirium; for that of its inhabitants was Quirites: (according to the analogy of Samnium, Samnis). The derivation of Quirites from *Cures* does but badly; that from *quiris* not at all: assuredly, too, the earlier legend described Numa as a citizen of Quirium, not of Cures. The latter name of the hill, the Quirinal, is derived from that of the town." — *Nieb.* i. p. 248. "When the two cities were united, and the feeling that they were one people had been fostered by intermarriages and common religious worship, the two towns agreed to have only one senate, one popular assembly, and one king, who was to be chosen alternately by the one people out of the other. Henceforward the two nations were named on all solemn occasions as united, *populus Romanus et Quirites*; properly, according to the old Roman usage of combining such names by mere juxtaposition, *populus Romanus Quirites*: which, in later times, was distorted into *populus Romanus Quiritium*. For although, subsequently, the names Quirites and plebeian were synonymous, this ought not to shake the credit of the tradition, that the former were properly the Sabine subjects of Tatius. It is easily explained, how the name was transferred to the plebeians, who were now placed in similar circumstances, after all distinction had ceased between the Romans and the ancient Quirites. By this union Romulus was converted into Quirinus: and Quirium probably became that mysterious Latin name of Rome, which it was forbidden to utter." — *Nieb.* i. p. 252.

5. CÆLIUS, named from CÆLES *Vibenna*, a Tuscan leader, who came to the assistance of the Romans against the Sabines, with a body of men, and got this mount to dwell on, *Varr. L. L. iv. 8.*; added to the city by Romulus, according to *Dionys. ii. 50.*; by Tullius Hostilius, according to *Liv. i. 30.* [who places the *Curia Hostilia* upon it]; by Ancus Martius, according to *Strabo, v. p. 234.*, [by Servius Tullius, according to Tuscan annals. See *Nieb. i. p. 327.*] by Tarquinius Priscus, according to *Tacit. Ann. iv. 65.*; anciently called QUERQUETULANUS, from the oaks which grew on it, *Ibid.*; in the time of Tiberius ordered to be called Augustus, *Tacit. Ann. iv. 64. Suet. Tib. 48.*, afterwards named LATERANUS, where the Popes long resided, before they removed to the Vatican. [*Juvenal. x. 17.*]

6. VIMINALIS, named from the thickets of osiers which grew there (*vimineta*), *Varr. ibid. Juvenal. iii. 71.*, or FAGUTALIS, (from *fagi*, beeches,) *Plin. xvi. 10.*; added to the city by Servius Tullius, *Liv. i. 44.*

7. EXQUILINUS, *Exquiliæ*, vel *Esquiliæ*, supposed to be named from thickets of oaks (*æsculeta*), which grew on it, *Varro L. L. iv. 8.*, or from watches kept there (*excubiæ*), *Ovid. Fast. iii. 246.*; added to the city [or rather enlarged] by Servius Tullius, *Liv. i. 44.* [Divided into two, Oppius and Cispius. On it was the temple of Juno Lucina, *Ovid. Fast. iii. 247.*]

JANICULUM, named from Janus, who is said to have first built on it, *Virg. Æn. vii. 358. Ovid. Fast. i. 246.*, the most favourable place for taking a view of the city, *Martial. iv. 64. vii. 16.* From its sparkling sands it got the name of *Mons Aureus*, and by corruption MONTORIUS.

VATICANUS, so called, because the Romans got possession of it, by expelling the Tuscans, according to the counsel of the soothsayers (*vates*), *Festus*; or from the predictions uttered there, *Gell. xvi. 17.*, adjoining to the *Janiculum*, on the north side of the Tiber, *Horat. Od. i. 20.*, disliked by the ancients on account of its bad air (*infamis aër*, *Frontin.*), *Tacit. Hist. ii. 93.*, noted for producing bad wine, *Mart. vi. 92. xii. 48. 14.*, now the principal place in Rome, where are the Pope's palace, called *St. Angelo*, the *Vatican* library, one of the finest in the world\*, and *St. Peter's Church*, [or the *Basilica Vaticana*.] †

\* "The MSS. in this library are said to amount to more than 50,000.

† "The Basilica of St. Peter was the first and noblest religious edifice erected by Constantine. It stood on part of the circus of Nero, and was supposed to occupy a spot consecrated by the blood of numberless martyrs exposed or slaughtered in that place of public amusement by order of the tyrant. (*Tac. Ann. xv. 44.*) After eleven centuries of glory, the walls of the ancient Basilica began to give way, and symptoms of approaching ruin were become so visible about the year 1450, that Nicholas V. conceived the project of taking down the old church, and erecting in its stead a new and more extensive structure. However, though the work was begun, yet it was carried on with feebleness and uncertainty during more than half a century, till Julius II. ascended the papal throne, and resumed the great undertaking with that decision and spirit which distinguished all the measures of his active pontificate. The walls of the ancient Basilica were taken down, and on the 18th of April, 1508, the foundation stone of one of the vast pillars that support the dome, was laid by Julius with all the pomp and ceremony that became such an interesting occurrence. From that period, the work, though carried on with ardour and perseverance, yet continued, during the space of 100 years, to occupy the attention and absorb the income of eighteen pontiffs. The late Pius VI. built the sacristy,

COLLIS HORTULORUM, so called, from its being originally covered with gardens, [as of Pompey, Sallust, the emperors,] *Suet. Ner. 50.*, taken into the city by Aurelian; afterwards called PINCIUS, from the *Pincii*, a noble family who had their seat there, [in the time of Constantine.]

The gates of Rome at the death of Romulus were three, or at most four; in the time of Pliny thirty-seven, when the circumference of the walls was thirteen miles 200 paces; it was divided by Augustus into fourteen *regiones*, wards, or quarters, *Plin. iii. 5. s. 9.*

The principal gates [in the walls of S. Tullius] were, — 1. *Porta FLAMINIA*, [now the *Porta del Popolo*] through which the *Flaminian* road passed; called also *FLUMENTANA*, because it lay near the Tiber. — 2. *COLLINA* (*a collibus Quirinali et Viminali*), called also *QUIRINALIS*, *AGONENSIS* [or *Agonalis*] or *SALARIA*, *Festus, Liv. [iv. 21.] v. 41. Tacit. Hist. iii. 82.* To this gate Hannibal rode up, *Liv. xxvi. 10.*, and threw a spear within the city, *Plin. xxxiv. 6. s. 15. Cic. Fin. iv. 9. \** — 3. *VIMINALIS*. — 4. *ESQUILINA*, anciently *Metia, Labicana, vel Lavicana*, without which criminals were punished, *Plaut. Cas. ii. 6. 2. Horat. Epod. v. 99. Tacit. Ann. ii. 32.* — 5. *NÆVIA*, so called from one *Nævius*, who possessed the grounds near it, *Varr. L. L. iv. 34.* — 6. *CARMENTALIS*†, through which the *Fabii* went, [who fell at *Cremera*,] *Liv. ii. 49.*, from their fate called *SCELERATA*, *Festus. ‡* — 7. *CAPENA*, through which the road to *Capua* passed. — 8. *TRIUMPHALIS*, through which those who triumphed entered, *Cic. Pis. 23. Suet. Aug. 101.*, but authors are not agreed where it stood. §

and by this necessary appendage, which had till then been wanting, may be considered as having accomplished the grand undertaking, and given the *Basilica Vaticana* its full perfection. On the whole, it would not be exaggeration to assert, that nearly 300 years elapsed, and thirty-five pontiffs reigned, from the period of the commencement to that of the termination of this stupendous fabric. The expenditure must have amounted to at least twelve millions sterling. The relative proportions of *St. Peter's* and *St. Paul's* are as follow: —

|                   | <i>St. Peter's.</i> | <i>St. Paul's.</i> |
|-------------------|---------------------|--------------------|
| Length -          | - 700 feet          | 500                |
| Transept -        | - 500               | 250                |
| Height -          | - 440               | 340                |
| Breadth of nave - | 90                  | 60                 |
| Height of nave -  | 154                 | 120."              |

*Eustace's Class. Tour, vol. ii. ch. iv.*

\* "Through this also the Gauls entered Rome: they marched along the *Via Salaria*: and the battle of the *Allia* was fought near the fourteenth mile from Rome, according to *Vibius*, or the eleventh, according to *Livy* and *Eutropius*." — *Burton.*

† From *Carmenta*, the mother of *Evander*, at the foot of the Capitol. *Virg. Æn. viii. 338.*

‡ "All the Roman gates had two arches, one for such as were going out of the city, the other for such as were coming in: each kept to his right hand: 500 years past away, and no Roman, whose mind was swayed by the faith of his ancestors, went out of the city by this gate. However near a person lived to it, he went round to another. This is the meaning of *Ovid's* couplet, *Fast. ii. 201.*: —

*Carmenti portæ dextro via proxima Jano est:*

*Ire per hanc noli, quisquis es: omen habet.*

Into the town, through the other arch, every body came without scruple; as we see by the procession in the second Punic war. *Livy, xxvii. 37.*" — *Nieb. ii. 195.*

"This gate, from a certain religious notion, was never shut." — *Ibid. 291.*

§ *Porta Trigemina*, through which the three *Horatii* went against the *Curiatii*,



Between the *Porta Viminalis* and *Esquilina*, [or rather *Nomentana*,] without the wall, is supposed to have been the camp of the PRÆTORIAN cohorts, or *milites PRÆTORIANI*, [said to have been built by Tiberius,] a body of troops instituted by Augustus to guard his person, and called by that name, in imitation of the select band which attended a Roman general in battle (see p. 331.), composed of nine cohorts, *Tacit. Ann.* iv. 5. *Suet. Aug.* 49., according to Dio Cassius of ten, *Dio.* lv. 24., consisting each of a thousand men, horse and foot, *Ibid.* & *Suet. Cal.* 45., chosen only from Italy, chiefly from Etruria and Umbria, or ancient Latium, *Tacit. Ann.* iv. 5. *Hist.* i. 84. Under Vitellius sixteen Prætorian cohorts were raised, and four to guard the city, *Id. Hist.* ii. 93. Of these last, Augustus instituted only three, *Id. Ann.* iv. 5.\*

Severus new-modelled the Prætorian bands, and increased them to four times the ancient number, *Herodian.* iii. 44. They were composed of the soldiers draughted from all the legions on the frontier, *Dio.* lxxiv. 2. They were finally suppressed by Constantine, and their fortified camp destroyed, *Aurel. Victor. Zosim.* ii. p. 89. *Panegyric.* 9.

Those only were allowed to enlarge the city (*pomærium proferre*) who had extended the limits of the empire.† Tacitus, however, observes, that although several generals had subdued many nations, yet no one after the kings assumed the right of enlarging the *pomærium*, except Sylla [A. U. C. 674] and Augustus, [A. U. C. 746] to the time of Claudius, *Ann.* xii. 23. But other authors say, this was done also by Julius Cæsar, [A. U. C. 720] *Cic. Att.* xiii. 20. 33. 35. *Dio.* xliii. 49. xliv. 49. *Gell.* xiii. 14. The last who did it was Aurelian ‡, *Vopisc. in Aurel.* 21.

Concerning the number of inhabitants in ancient Rome, we can only form conjectures. Lipsius computes them, in its most flourishing state, at four millions.

*I. iv.* 16. xxxv. 41. xl. 51. For a complete list of the gates, ancient and modern, see *Burton's Antiq.* i. p. 101.

\* Augustus only introduced three prætorian cohorts into the city; but Tiberius, under the pretext of relieving Italy from the heavy burthen of military quarters, on account of the seven cohorts which were stationed there, assembled them in a permanent camp, fortified with skilful care, and placed on a commanding situation. The prætorian cohorts bore, in many respects, a strong resemblance to the Turkish janissaries, who could at any time raise an insurrection in the capital, demand the head of an obnoxious vizier, and depose or murder, at pleasure, an unpopular sultan. In vain did the emperors endeavour to reform them: the vices were radical, the whole system was vitiated, and any attempts at reformation generally cost those who undertook it their lives.

† "For 430 years the limits of Rome continued the same. Servius Tullius enclosed a space so much larger than was necessary, that nobody thought of enlarging the circuit of the walls till the time of Sylla." — *Burton's Antiq. of Rome*, i. p. 59.

‡ "Present accounts state the circumference of Rome to be sixteen Roman miles. Mr. Hobhouse walked round the walls in three hours, thirty-three minutes and a quarter. I did it myself in three hours and ten minutes, which would lead me to conclude that it was not more than thirteen English miles. If a straight line be drawn through the city, from the *Porta S. Lorenzo* (P. Tibertina) on the east, to the *Porta S. Pancrazio* (near the P. Janiculensis) on the west, we shall find the width of the city to be about 14,500 feet." — *Burton*, i. p. 75.

## PUBLIC BUILDINGS OF THE ROMANS.\*

I. TEMPLES. † Of these the chief were,

1. The CAPITOL, so called because, when the foundations of it were laid, a human head is said to have been found (*CAPUT Oli vel Toti cujusdam*), *with the face entire (facie integrâ)*, Liv. i. 38. 55. Dionys. iv. 59. Serv. in Virg. *Æn.* viii. 345. [vowed and commenced by Tarquinius Priscus, on the occasion of a victory over the Sabines, *Nieb.* i. p. 306.] built on the Tarpeian or Capitoline mount, by Tarquinius Superbus, *Id.*, and dedicated by Horatius, Liv. ii. 8. ‡; burnt A. U. 670 [in the wars of Marius and Sylla], rebuilt by Sylla, and dedicated by Q. Catulus, A. 675, [struck with lightning in A. 689,] again burnt by the soldiers of Vitellius, A. D. 70, *Tacit. Hist.* iii. 72., and rebuilt by Vespasian. At his death it was burnt a third

\* “Half the extent and magnificence of the architectural works of the Romans is attributable to their knowledge and use of the arch, which enabled them to make small parallelopipedons of burnt earth more extensively applicable to useful purposes than any other material could be, from the greater cost of providing and preparing it; whereas brick can, in almost every place, be made on the spot on which it is wanted. There is a very false notion abroad as to the richness of the materials used for building in Rome, induced by the inflated accounts of travellers and poets, who attempt to disguise their ignorance, or their want of knowledge and taste, by raving of Vitruvian proportions, and marble temples, palaces, and baths. Almost all the structures of Rome, indeed, were of brick, — their aqueducts, their palaces, their villas, their baths, and their temples. Of the present remains it is only a few columns, and their entablatures, that are of marble or granite, and two or three buildings of Travertine stone (*Lapis Tiburtinus*); — all the rest are brick. The Colosseum, the mausoleum of Adrian, the Cloaca Maxima, the temple of Manly Fortune, and the ancient bridges on the Tiber, are of Travertine stone; the remaining columns of the more splendid temples, the internal columns and their accessories of the Pantheon, the exterior of the imperial arches, and the cenotaphial columns of Trajanus and Antoninus, are of marble: but the imperial mount of the Palatine, which holds the ruin of the palace of the Cæsars, is but one mass of brick; the Pantheon, except its portico and internal columns, &c. is of brick; the temple of Peace, of Venus and Rome, and of Minerva Medica, are of brick; and so, for the most part, are the walls of others, though they may have been faced with marble or freestone. In most cases, at Rome and in the provinces, stucco formed the surface which received the decorations.” — *Encyclopædia Britannica*, art. *Architecture*. “In Italy we find the earliest traces of arches, and, whoever was the inventor, the Romans have certainly the merit of bringing them into general use, and of employing them to the most important purposes. A work which is, with reason, considered as one of the earliest specimens of arches, is the conduit at Tusculum near Rome. Next to this may be mentioned the arches found in part of the ancient walls of Rome, built by Tullius, and the Cloaca Maxima. We have no further knowledge of the employment of arches at Rome till we come to the time of Julius Cæsar, who erected the theatre of Marcellus, on the exterior of which are rows of arches in good preservation.” — *Encycl. Metr.* art. *Architecture*, p. ii. ch. i.

† These are computed at 420. It was customary to worship only one god under one temple. Marcellus having vowed one to Honour and Virtue, and intending to place the statues of both under one roof, the pontifices opposed it, urging, that if lightning fell upon the building, or any prodigy should happen in it, it would be impossible to discover to which of the two divinities expiatory duties should be paid. Liv. xxvii. 25. xxix. 11. *Hooke's Rom. Hist.*, b. iv. ch. xxxv.

‡ “The ides of September, on which he had consecrated it, formed the commencement of an era, for keeping account of which a nail was driven in there on the same day of every year.” — *Nieb.* i. p. 438.

time [under Titus], and restored by Domitian with greater magnificence than ever, *Suet. Dom.* 5. A few vestiges of it still remain.

CAPITOLIUM is sometimes put for the mountain on which the temple stood; as *Liv.* i. 10. 33. 38. ii. 8., &c., and sometimes for the temple itself, *Liv.* iii. 18. vi. 4., &c. The edifice of the Capitol was in the form of a square, extending nearly 200 feet on each side. It contained three temples (*ædes, templa, cellæ vel delubra*), consecrated to Jupiter, Minerva, and Juno, *Dionys.* iv. 61. The temple of Jupiter was in the middle, whence he is called *Mediæ qui sedet æde Deus*, *Ovid. Pont.* iv. 9. 32. The temple of Minerva was on the right, *Liv.* vi. 4., whence she is said to have obtained the honours next to Jupiter, (*Proximos illi, sc. Jovi, tamen occupavit Pallas honores*, *Horat. Od.* i. 12. 19.), and the temple of Juno on the left, *P. Victor. in descr. Rom. Regionis*, viii. Livy, however, places Juno first, iii. 15. So Ovid, *Trist.* ii. 291.

The Capitol was the highest part in the city, and strongly fortified; hence called ARX, *Virg. Æn.* viii. 652. (vel ab ARCEO, quod is sit locus munitissimus urbis, a quo facillime possit hostis prohiberi, *Varr. L. L.* iv. 32. vel ab ἄρξ, summus); *Capitolium atque arx*, *Liv.* ii. 49. iii. 15. [v. 39. 41.], *arx Capitolii*, *Flor.* iii. 21.\* The ascent to the Capitol from the Forum was by 100 steps [supported by 100 pillars], *Tacit. Hist.* iii. 71. *Liv.* viii. 6. It was most magnificently adorned; the very gilding† of it [by Domitian] is said to have cost 12,000 talents, i. e. £1,976,250, *Plutarch. in Poplic.*, hence called AUREA, *Virg. ib.* iii. 48., and FULGENS, *Horat. Od.* iii. 3. 43. The gates were of brass, *Liv.* x. 23., and the tiles gilt, *Plin.* xxxiii. 3.

The principal temples of other cities were also called by the name of Capitol. *Suet. Cal.* 47. *Sil.* 267. *Gell.* xvi. 13. *Plaut. Curc.* ii. 2. 19.

In the Capitol were likewise temples of Terminus, *Liv.* i. 54. (see p. 247.) of Jupiter Feretrius, *Id.* iv. 20. *Nep. Att.* 20.†, &c., *Casa Romuli*, the cottage of Romulus, covered with straw, *Liv.* v. 53. *Senec. Helv.* 9. *Vitruv.* ii. 1., near the *Curia Calabra*, *Macrobi. Sat.* i. 1. *Senec. Contr.* i. 6. *Ovid. Fast.* iii. 183. [*Virg. Æn.* viii. 654.]

Near the ascent of the Capitol, was the ASYLUM, or sanctuary, *Liv.* i. 8., which Romulus opened (see p. 41.) in imitation of the Greeks, *Serv. in Virg. Æn.* viii. 342. ii. 761. *Stat. Theb.* xii. 498. *Liv.* xxxv. 51. *Cic. Verr.* i. 33. *Tacit. Ann.* iv. 14. §

\* "The Capitoline Hill had two summits, which are still very perceptible; distinguished formerly by the terms *Arx* and *Capitolium*. The former was on the southern side, and the higher of the two, facing the river, the theatre of Marcellus, and Mount Aventine. The temple of Jupiter Capitolinus stood upon it; and it is now known by the name of *Monte Caprino*. That which was more peculiarly styled *Capitolium*, and faced the north, contained a more ample space than the other. The principal temple upon it was that of Jupiter Feretrius." — *Burton's Antiq.* i. p. 108. "The Intermontium, or space between the two summits, was the spot where Romulus opened the Asylum." — *Ibid.* 116.

† It was first gilt in the censorship of Mummius, A. U. 612, after the destruction of Carthage.

‡ Of Jupiter Tonans, built by Augustus as a monument of his preservation from a thunderbolt that fell near him; also of Concord, built by Camillus.

§ "At the foot of the Capitol was the *Æquimelium*, the site of the house of Sp. Mælius. (*Livy*, iv. 16.)" — *Nieb.* ii. p. 419.

2. The PANTHEON, built by Agrippa\*, son-in-law to Augustus [about 30 B. C., in the Campus Martius, in memory of Augustus's victory over Antony], and dedicated to Jupiter Ultor, *Plin.* xxxvi. 15., or to Mars and Venus, *Dio.* liii. 27., or, as its name imports, to all the gods (see p. 274.) [altered by Domitian], repaired by Adrian, *Spartian.* 19., consecrated by Pope Boniface IV. to the Virgin Mary, and all saints, A. D. 607, now called the *Rotunda*, from its round figure, said to be 150 feet high, and of about the same breadth. The roof is curiously vaulted, void spaces being left here and there for the greater strength. It has no windows, but only an opening in the top for the admission of light, of about 25 feet diameter. The walls on the inside are either solid marble or incrustated. The front on the outside was covered with brazen plates gilt, the top with silver plates, but now it is covered with lead. The gate was of brass, of extraordinary work and size. They used to ascend to it by twelve steps, but now they go down as many; the earth around being so much raised by the demolition of houses. [*Plin.* xxxiv. 3. xxxvi. 5.] †

3. The temple of Apollo, built by Augustus on the Palatine Hill, *Suet. Aug.* 29. *Vell.* ii. 81., in which was a public library, *Hor. Ep.* i. 3. 17., where authors, particularly poets, used to recite their compositions, *Id. Sat.* i. 10. 38., sitting in full dress, *Pers.* i. 15., sometimes before select judges, who passed sentence on their comparative merits. The poets were then said *committi*, to be contrasted or matched, *Suet. Aug.* 89. *Juvenal.* vi. 435., as combatants, *Suet. Aug.* 45., and the reciters, *committere opera*, *Suet. Cl.* 4. Hence Caligula said of Seneca, that he only composed COMMISSIONES, showy declamations, *Suet. Cl.* 53.

A particular place is said to have been built for this purpose by Hadrian, and consecrated to Minerva, called ATHENÆUM, *Aurel. Vict. — Capitol. in Gordian.* 3. *Pertinac.* 11.

Authors used studiously to invite people to hear them recite their works, *Dialog. de Orat.* 9., who commonly received them with acclamations, *Plin. Ep.* ii. 14., thus, BENE, *pulchrè, bellè, euge*; NON POTEST MELIUS, *Cic. Orat.* iii. 26. *Horat. Art. P.* 428., *Pers.* i. 49. 84. SOPHOS, i. e. *sapienter* (σοφῶς,) *scitè, doctè*, *Mart.* i. 4. 7. — 50. 37. — 67. 4. — 77. 9. [iii. 44. vi. 48.], and sometimes expressed their fondness for the author by kissing him, *Martial.* i. 4. 7. *et* 77. 14.

4. The temple of Diana, built on the Aventine Mount, at the instigation of Servius Tullius, by the Latin states, in conjunction with the Roman people, in imitation of the temple of Diana at Ephesus,

\* According to some antiquaries, the body of the Pantheon is of republican architecture, and the portico alone the work of Agrippa.

† "The proportions of this temple are admirable for the effect intended to be produced; its height (144 feet) being equal to its diameter, and its dome not an oval, but an exact hemisphere. The pillars, pilasters, and marble lining remain nearly as they were placed by Severus, (who repaired it about the year 203). It was plundered of part of its bronze ornaments, among which some authors rank its brazen doors, by Genseric, the Vandal monarch of Africa, and afterwards more completely stripped of all its metal decorations by Constantine, the grandson of Heraclius, in the 7th century." — *Eustace's Classical Tour*, vol. ii. p. 98. See *Burton's Antiq. of Rome*, i. p. 166.

which was built at the joint expense of the Greek states in Asia, *Liv.* i. 45.\*

5. The temple of Janus, built by Numa (*index belli et pacis*), with two brazen gates, one on each side, to be open in war, and shut in time of peace, *Liv.* i. 19. *Vel.* ii. 38. *Plin.* 34. 7. *Serv. in Virg.* i. 294. vii. 607., shut only once during the republic, at the end of the first Punic war, A. U. 529, *Ibid.* thrice by Augustus (*Janum Quirinum*, i. e. Templum Jani belli potentis, *ter clausit*, Suet. Aug. 22, *Janum Quirini*, Hor. Od. iv. 15. 9.), first after the battle of Actium and the death of Antony and Cleopatra, A. U. 725, *Dio.* li. 20., a second time after the Cantabrian war, A. 729, *Dio.* liii. 26.; about the third time, authors are not agreed. Some suppose this temple to have been built by Romulus, and only enlarged by Numa; hence they take *Janus Quirini* for the temple of Janus, built by Romulus, *Macrob.* Sat. i. 9.†

A temple was built to Romulus by Papirius, A. U. 459, *Liv.* x. 46, and another by Augustus, *Dio.* liv. 19.‡

6. The temples of *Saturn*, *Juno*, *Mars*, *Venus*, *Minerva*, *Neptune*, &c. of *Fortune*, of which there were many, of *Concord* [of which there were five, *Honour*, *Virtue*, *Mens*], *Peace*, &c. [*Ovid. Fast.* i. 636. 709.] §

Augustus built a temple to Mars Ultor in the *Forum Augusti*, Suet. Aug. 29. *Ovid. Fast.* v. 551. Dio says, in the Capitol, liv. 8.,

\* "This temple, and that of Julius Cæsar, are pointed out as the chief sanctuaries for slaves at Rome." — *Blair*, p. 88.

† "When the two cities (Quirium and Roma) were united on terms of equality, they built the double Janus, on the road leading from the Quirinal to the Palatium, with a door looking toward each city, as the gate of the double barrier which separated their liberties: open in time of war, that succour might pass from the one to the other; shut during peace; whether for the purpose of not allowing unrestricted intercourse, out of which feuds might arise, or as a symbol of distinction in union." — *Nisb.* i. p. 250. See *Ovid. Fast.* i. 289.

‡ Also one to the Sun, by Aurelian; of which the pillars that supported the portal were nearly seventy feet in height, of the whitest marble, and of the Corinthian order.

§ "The temple of Peace was probably the largest in Rome, and is ranked by Pliny among the noblest edifices in the world. It seems to have answered the purposes of a museum, and to have been the general repository of the various statues and paintings collected by Vespasian and the Flavian family. The sacred spoils of the temple of Jerusalem formed part of its decorations, and numberless masterpieces of sculpture, to several of which Pliny alludes, were ranged around it; so that, if we may believe Josephus, it comprised in one grand collection all the wonders of art, which had formerly been dispersed over the provinces of the empire. A library formed part of its furniture, enriched probably by the numberless manuscripts which Vespasian and Titus might have collected in the eastern provinces. It was consumed by fire in the reign of Commodus. It had been erected by Vespasian as an omen and pledge of that general peace which commenced on the conclusion of the Jewish war, and lasted, with little interruption, to the death of that prince. Its destruction, occasioned by an invisible and unknown agent, was ascribed to divine vengeance, and considered as a portent that announced war and disaster. This apprehension was increased by the extent of the conflagration, which reached the temple of Vesta, consumed that cradle of the religion of Rome, and for the first time exposed the *Palladium* itself to the gaze of the profane. (*Herodian.* i. 14.) These presentiments of disaster were unfortunately justified by the event; and the fall of the temple of Peace was followed by centuries of war, rebellion, and convulsion." — *Eustace*, vol. iii. p. 199.

by a mistake, either of himself or his transcribers. In this temple were suspended military standards, particularly those which the Parthians took from the Romans under Crassus, A. U. 701, *Dio*. xl. 27., and which Phraates, the Parthian king, afterwards restored to Augustus, *Id.* liii. 23., together with the captives, *Id.* liv. 8. *Vell.* ii. 91. *Just.* xlii. 5. *Flor.* iv. 12. *Eutrop.* vii. 5.; Suetonius, *Aug.* 21., and Tacitus, *Annal.* ii. 1., say, that Phraates also gave hostages. — No event in the life of Augustus is more celebrated than this; and on account of nothing did he value himself more, than that he had recovered, without bloodshed, and by the mere terror of his name, so many citizens and warlike spoils, lost by the misconduct of former commanders. Hence it is extolled by the poets, *Horat. Od.* iv. 15. 6. *Ep.* i. 18. 56. *Ovid. Trist.* ii. 227. *Fast.* vi. 465. *Virg. Æn.* vii. 606., and the memory of it perpetuated by coins and inscriptions. On a stone, found at *Ancyra*, now *Angouri* in Phrygia (*in lapide Ancyrano*), are these words: PARTHOS TRIUM EXERCITUM ROMANORUM, (i. e. of the two armies of Crassus, both son, *Dio*. xl. 21., and father, *Ib.* 24., and of a third army, commanded by Oppius Statianus, the lieutenant of Antony, *Id.* xlix. 25.) SPOLIA ET SIGNA REMITTERE MIHI, SUPPLICESQUE AMICITIAM POPULI ROMANI PETERE COEGI; and on several coins the Parthian is represented on his knees delivering a military standard to Augustus, with this inscription, CIVIB. ET SIGN. MILIT. A. PARTHIS. RECEP. *vel* RESTIT. *vel* RECUP.

II. Theatres, see p. 311., amphitheatres, see p. 301., and places for exercise or amusement.

ODEUM, (*ὀδεῖον*, from *ὀδω*, *cano*,) a building where musicians and actors rehearsed, or privately exercised themselves, before appearing on the stage, *Cic. Att.* iv. 16. *Suet. Dom.* 5.

NYMPHÆUM, a building adorned with statues of the nymphs, and abounding, as it is thought, with fountains and waterfalls, which afforded an agreeable and refreshing coolness; borrowed from the Greeks, *Plin.* xxxv. 12. s. 43., long of being introduced at Rome, *Capitol. Gord.* 32., unless we suppose it the same with the temple of the nymphs mentioned by Cicero, *Mil.* 27. *Arusp.* 27.

CIRCI. The CIRCUS MAXIMUS, see p. 293. CIRCUS FLAMINIUS, laid out by one Flaminius; called also *Apollinaris*, from a temple of Apollo near it, *Liv.* iii. 54. 63.; used not only for the celebration of games, but also for making harangues to the people, *Cic. post Red. in Sen.* 6. *Suet.* 14.

The CIRCUS MAXIMUS was much frequented by sharpers and fortune-tellers (*sortilēgi*), jugglers (*præstigiatores*), &c., hence called FALLAX, *Horat. Sat.* i. 6. 113.

Several new *Circi* were added by the Emperors Nero, *Tacit. Ann.* xiv. 14., Caracalla, Heligobālus, &c.\*

STADIA, places nearly in the form of *Circi*, for the running of men and horses, *Suet. Cæs.* 39. *Dom.* 5. HIPPODRŌMI, places for the running or coursing of horses, *Plaut. Bacch.* iii. 3. 27., also laid out for private use, *Martial.* xii. 50., especially in country villas, *Plin.*

\* Also by private individuals; as the one annexed to the house of Sallust the historian, of which some remains are still visible near the Salarian gate. The circus in the Via Appia, supposed to have been the last erected is well described in the work by the Rev. R. Burgess.



*Ep. v. 6.* ; but here some read, *Hypodromus*, a shady or covered walk, which indeed seems to be meant, as *Sidon. Ep. ii. 2.*

PALESTRÆ, GYMNASIA, et XYSTI, places for exercising the *Athletæ*, see p. 297, 298., or *pancratiastæ*, who both wrestled and boxed, *qui PANCRATIO certabant*, i. e. *omnibus viribus*, (*τὰν πάντας*), *Seneca. Ben. v. 3. Gell. iii. 15. xiii. 27. Quinctil. 9.*

These places were chiefly in the CAMPUS MARTIUS, a large plain along the Tiber, where the Roman youth performed their exercises, anciently belonging to the Tarquins ; hence called SUPERBI REGIS AGER, *Juvenal. vi. 523.* ; and after their expulsion, consecrated to Mars, *Liv. ii. 5.* ; called, by way of eminence, CAMPUS, *Horat. Od. iii. 1. 10. Cic. Cat. i. 5. Off. i. 29.* : put for the *Comitia* held there, *Cic. Orat. iii. 42.* ; hence *fors domina campi*, *Cic. Pis. 2.* ; or for the votes ; hence *venalis campus*, i. e. *suffragia*, *Lucan. i. 180.*, *Campi nota*, a repulse, *Val. Mar. vi. 9. 14.* ; or for any thing in which a person exercises himself : hence *latissimus dicendi campus*, *in quo liceat oratori vagari liberè*, a large field for speaking, *Cic. Off. i. 18. Acad. iv. 35. Campus, in quo excurrere virtus, cognoscique possit*, *Cic. Mur. 8. \**

NAUMACHIÆ, places for exhibiting naval engagements, built nearly in the form of a *circus* ; VETUS, i. e. *Naumachia Circi Maximi*, *Suet. Tit. 7.* ; AUGUSTI †, *Id. 43. Tib. 72.* ; DOMITIANI, *Id. 5. Martial. Spect. 28.* These fights were exhibited also in the *circus* and amphitheatre, *Ibid.* See p. 299.

III. CURIÆ, buildings where the inhabitants of each *Curia* met to perform divine service, *Varro de L. L. iv. 32.*, see p. 1., or where the senate assembled (SENACULA), p. 9.

IV. FORA, public places. — Of these the chief was FORUM ROMANUM, VETUS, vel MAGNUM, a large, oblong, open space ‡, between the Capitoline and Palatine hills, now the *cow-market* [*campo vaccino*], where the assemblies of the people were held, where justice was administered, and public business transacted, see p. 79. 112., &c. instituted by Romulus, *Dionys. ii. 50.*, and surrounded with porticos, shops, and buildings, by Tarquinius Priscus, *Liv. i. 35.* These shops were chiefly occupied by bankers (*argentarii*), hence called ARGENTARIÆ, sc. *tabernæ*, *Liv. xxvi. 11.*, VETERES, *Plaut. Curc. iv. 1. 19.* ; hence *ratio pecuniarum, quæ in foro versatur*, the state of money matters, *Cic. Manil. 7.* ; *fidem de foro tollere*, to destroy public credit, *Cic. Rull. i. 8.* ; *in foro versari*, to trade, *Id. Flacc. 29.* ; *foro cedere*, to become bankrupt, *Sen. Ben. iv. 39.*, vel *in foro eum non habere*, *Cic. Rabir. Post. 15.* ; but *de foro decedere*, not to appear in public, *Nep. Att. 10.* ; *in foro esse*, to be engaged in public business, *Id. Cat. 1.*, vel *dare operam foro*, *Plaut. Asin. ii. 4. 22.* ; *fori tabes*, the rage of

\* In the Campus Martius stood the temple of Juturna, by the *Aqua Virgo*, which Agrippa had brought thither ; also the Terentum, where was an altar of Dis and Proserpine, at which secular games were celebrated. *Keightley on Ovid. Fast. i. 464. 501.* In the reign of Augustus, a great part of the Campus Martius was enclosed and occupied by public buildings, more especially by the great works of Agrippa.

† This was on the other side of the Tiber, and was 1800 feet in length and 200 in width, so that thirty ships of war could engage in it.

‡ In length 705 feet, in width 470, according to Burton, i. p. 204.

litigation, *Tacit. Ann.* xi. 6. ; *in alieno foro litigare*, to follow a business one does not understand, *Martial. Præf.* xii. \*

Around the forum were built spacious halls, called *BASILICÆ*, where courts of justice might sit, and other public business be transacted [as in the Exchange of modern times], see p. 113., not used in early times, *Liv.* xxvi. 27., adorned with columns and porticos, *Cic. Verr.* iv. 3. v. 58. *Att.* iv. 16. [xi. 29.], afterwards converted into Christian churches. [*Tac. Ann.* iii. 72.]

The *Forum* was altogether surrounded by arched porticos, with proper places left for entrance, *Liv.* xli. 27.

Near the *Rostra* stood a statue of Marsyas, vel -a, *Horat. Sat.* i. 6. 120., who having presumed to challenge Apollo at singing, and being vanquished, was flayed alive, *Liv.* xxxviii. 13. *Ovid. Fast.* vi. 707. Hence his statue was set up in the *Forum*, to deter unjust litigants.

There was only one *Forum* under the republic. Julius Cæsar added another, the area of which cost *H. S. millies*, i. e. £807,291 : 13 : 4, *Suet. Jul.* 26. *Plin.* xxxvi. 15. s. 24., and Augustus a third, *Id.* xxix. 31.† Hence *TRINA FORA*, *Ovid. Trist.* iii. 12. 24. *Senec. de Ira*, ii. 9. *TRIPLEX FORUM*, *Martial.* iii. 38. 4.

Domitian began a fourth *Forum*, which was finished by Nerva, and named, from him, *FORUM NERVÆ*, *Suet. Dom.* 5., called also *TRANSITORIUM*, because it served as a convenient passage to the other three, *Lamprid. in Alex.* 28.

But the most splendid *Forum* was that built by Trajan, and adorned with the spoils he had taken in war, *Marcellin.* xvi. 6. *Gell.* xiii. 23. ‡

There were also various *FORA*, or market places, where certain commodities were sold; thus, *Forum BOARIUM*, the ox and cow market, *Festus*, in which stood a brazen statue of a bull, *Tacit.* xii. 24., adjoining to the *Circus Maximus*, *Ovid. Fast.* vi. 477.; *SUARUM*, the swine-market; *PISCARIUM*, the fish-market; *OLITORIUM*, the green-market [*Tac. Ann.* ii. 49.]; *Forum CUPEDINIS*, where pastry and confections were sold; all contiguous to one another, along the *Tiber*. When joined together, called *MACELLUM*, from one *Ma-*

\* "Sometimes the extraordinary luxury was practised of covering it with awnings. Cæsar spread them over the whole of the Forum and the *Via Sacra*, from his own house to the *Clivus Capitolinus*. This was during his dictatorship, and when he wished to amuse the people with games. (*Plin.* xix. 6.) Marcellus did so, to make it more wholesome for those engaged in lawsuits." — *Burton*, i. p. 207.

† "The Forum of Augustus was lined on each side by a portico, and terminated by the temple of *Mars Bis Ultor*. Under the porticos, on one side, stood in bronze the Latin and Roman kings, from *Æneas* down to *Tarquinius Superbus*; on the other were ranged the Roman heroes, all in triumphal robes. On the base of each statue was inscribed the history of the person whom it represented. In the centre rose a colossal statue of Augustus. (*Suet. Aug.* xxxi.)" — *Eustace's Classical Tour*, iii. p. 184.

‡ "This forum consisted of four porticos, supported by pillars of the most beautiful marble: the roof of the porticos rested on brazen beams, and was covered with brazen plates; it was adorned with statues and chariots, all of brass gilt: the pavement was of variegated marble. The entrance was at one end, by a triumphal arch; at the other, and opposite, was a temple; on one side a basilica, on the other a public library: in the centre rose the celebrated column, crowned with the colossal statue of Trajan. Apollodorus was the architect of this wonderful pile." — *Eustace*, iii. p. 186.

*cellus*, whose house had stood there, *Varr. de L. L.* iv. 32. Those who frequented this place are enumerated, *Ter. Eun.* ii. 2. 25.

V. PORTICUS, or piazzas, [colonnades, or cloisters,] were among the most splendid ornaments of the city. They took their names either from the edifices to which they were annexed, as *Porticus Concordiæ, Apollinis, Quirini, Herculis, Theatri, Circi, Amphitheatrici*, &c., or from the builders of them, as *Porticus Pompeia, Livia, Octavia, Agrippa*, [*Hor. Epist.* i. 6. 26. *Minutia*, *Cic. Phil.* ii. 34.] &c., used chiefly for walking in, or riding under covert, *Ovid. Art. Am.* i. 67. *Cic. Dom.* 44. See p. 383.

In porticos, the senate and courts of justice were sometimes held, *Appian. Bell. Civ.* ii. p. 500. Here also those who sold jewels, pictures, or the like, exposed their goods.

Upon a sudden shower, the people retired thither from the theatre, *Vitruv.* v. 9. Soldiers sometimes had their tents in porticos, *Tacit. Hist.* i. 31. There authors recited their works, *Juvenal.* i. 12, philosophers used to dispute, *Cic. Orat.* ii. 20. *Propert.* ii. 33. 45., particularly the Stoics, whence their name, (from *στοῖα*, *porticus*,) because Zeno, the founder of that sect, taught his scholars in a portico at Athens, called *Pæcile*, (*πανκίλη*, *varia, picta*,) adorned with various pictures, particularly that of the battle of Marathon, *Cic. Mur.* 29. *Pers.* iii. 53. *Nep. Mill.* 6. So *Chrysippi porticus*, the school of, *Horat. Sat.* ii. 3. 44. See p. 383.

Porticos were generally paved (*pavimentatæ*), *Cic. Dom.* 44. Q. Fr. iii. 1., supported on marble pillars, *Senec. Ep.* 115., and adorned with statues, *Ovid. Fast.* v. 563. *Trist.* iii. 1. 59. *Propert.* ii. 23. 5. *Suet. Aug.* 31.

VI. COLUMNÆ, (*στῆλαι*, vel *στυλαί*,) columns or pillars, properly denote the props or supports (*fulcra*) of the roof of a house, or of the principal beam on which the roof depends (*columen*); but this term came to be extended to all props or supports whatever, especially such as are ornamental, and also to those structures which support nothing, unless perhaps a statue, a globe, or the like.

A principal part of architecture consists in a knowledge of the different form, size, and proportions of columns.

Columns are variously denominated, from the five different orders of architecture, *Doric, Ionic, Corinthian, Tuscan*, and *Composite*, i. e. composed of the first three.

The foot of a column is called the *base*, (*basis*, *Plin.* xxxvi. 23. s. 56.) and is always made one half of the height of the diameter of the column. That part of a column on which it stands is called its pedestal, (*stylobates*, vel *-ta*,) the top, its chapter or capital, (*epistylium, caput vel capitulum*,) and the straight part its shaft (*scapus*).

Various pillars were erected at Rome in honour of great men, and to commemorate illustrious actions, *Plin.* xxxiv. 5. Thus, *COLUMNA ÆNEA*, a brazen pillar on which a league with the Latins was written, *Liv.* ii. 33.; *COLUMNA ROSTRATA*, a column adorned with figures of ships, in honour of Duilius, in the *Forum* (see p. 339.), of white marble, *Sil.* vi. 663., still remaining with its inscription; another in the Capitol, erected by M. Fulvius, the consul, in the second Punic war, *Liv.* xlii. 20., in honour of Cæsar, consisting of one stone of

Numidian marble near twenty feet high, *Suet. Jul.* 86., of Galba, *Id.* G. 23.

But the most remarkable columns were those of Trajan and Antoninus Pius.

Trajan's pillar was erected in the middle of his *Forum*, [A. D. 115,] composed of twenty-four great pieces of marble, but so curiously cemented as to seem but one. Its height is 128 feet, according to Eutropius 144 feet, viii. 5. It is about twelve feet diameter at the bottom, and ten at the top. It has in the inside 185 steps for ascending to the top, and forty windows for the admission of light.\*

The whole pillar is encrusted with marble, on which are represented the warlike exploits of that emperor and his army, particularly in *Dacia*. On the top was a colossus of Trajan, holding in his left hand a sceptre, and in his right a hollow globe of gold, in which his ashes were put: but Eutropius affirms that his ashes were deposited under the pillar, viii. 5.†

The pillar of Antoninus was erected to him by the senate [A. D. 174] after his death. It is 176 feet high, the steps of ascent 206, the windows 56.‡ The sculpture and other ornaments are much of the same kind with those of Trajan's pillar, but the work greatly inferior.§

Both these pillars are still standing, and justly reckoned among the most precious remains of antiquity. Pope Sextus V., instead of the statues of the emperors, caused the statue of St. Peter to be erected on Trajan's pillar, and of Paul on that of Antoninus.

The Romans were uncommonly fond of adorning their houses with pillars, *Cic. Ver.* i. 55., &c. *Horat. Od.* ii. 18. 4. *Juven.* vii. 182., and placing statues between them (*in intercolumniis*), *Cic. Verr.* i. 19., as in temples, *Ov. Trist.* iii. 1. 61.

A tax seems to have been imposed on pillars, called COLUMNARIUM, *Cic. Att.* xiii. 6. *Cæs. B. C.* iii. 28. s. 32.

There was a pillar in the *Forum* called *Columna Mænia*, from C. Mænius, who, having conquered the Antiates, A. U. 417, placed the brazen beaks of their ships on the tribunal in the *Forum*, from which speeches were made to the people; hence called ROSTRA. See p. 74. *Plin.* xxxiv. 5. s. 11.

Near this pillar, slaves and thieves, or fraudulent bankrupts, used to

\* The most recent account, by Burgess (*Topography and Antiq. of Rome*, ii. 14.), states the pillar to be composed of 34 pieces of marble, the steps to be 184, the windows or loop-holes 42.

† Trajan died at Seleucia, in the nineteenth year of his reign; so that he never saw the column which was erected in honour of him.

‡ According to Burgess, the height is 168 feet, the diameter being  $11\frac{1}{2}$ ; of windows, only 42 are now counted; and for the 206 steps, we have at present 190. It is composed of 28 pieces of white marble. The number of 106 steps, as in former editions of Adam, appears to have been a typographical error.

§ "If we follow the inscription upon the base, we should believe this pillar to have been erected in honour of Antoninus Pius. But this inscription is modern and erroneous, having been placed there by Sextus V., who repaired the whole column, and particularly the base. It is now universally agreed, that the pillar was erected to M. Aurelius by the senate. An ancient inscription found near this place, besides proving this point, informs us also that the pillar was called *Centenaria*. We may add, that the bas reliefs are entirely devoted to the exploits of M. Aurelius." — *Burton*, i. p. 198. See Burgess's *Topography and Antiq. of Rome*, ii. p. 78.

be punished, *Cic. Cluent.* 13. Hence insignificant idle persons, who used to saunter about that place, were called COLUMNARII, *Cic. Fam.* viii. 9., as those who loitered about the *Rostra* and courts of justice were called SUBROSTRANI, *Cic. Fam.* viii. 1., and SUBBASILICARII, *Plant. Capt.* iv. 2. 35., comprehended in the *Turba forensis*, or *plebs urbana*, which Cicero often mentions.\*

VII. ARCUS TRIUMPHALES, arches erected in honour of illustrious generals, who had gained signal victories in war, *Dio.* xlix. 15. li. 19. liv. 8., several of which are still standing. They were at first very simple, built of brick or hewn stone, of a semicircular figure; hence called FORNICES by Cicero, *Verr.* i. 7. ii. 63.; but afterwards more magnificent, built of the finest marble, and of a square figure, with a large arched gate in the middle, and two small ones on each side, adorned with columns and statues, and various figures done in sculpture, *Juv.* x. 136.

From the vault of the middle gate hung little winged images of Victory, with crowns in their hands, which, when let down, they put on the victor's head as he passed in triumph. This magnificence began under the first emperors; hence Pliny calls it NOVICIUM INVENTUM, xxxiv. 6. s. 12. †

VIII. TROPÆA, trophies, were spoils taken from the enemy, and fixed upon any thing, as signs or monuments of victory (*α τρονή, fuga*); erected (*posita vel statuta*) usually in the place where it was gained, and consecrated to some divinity, with an inscription, *Virg. Æn.* xi. 5. iii. 288. *Ovid. Art. Am.* ii. 744. *Tacit. Ann.* ii. 22. *Curt.* vii. 7. viii. 1.; used chiefly among the ancient Greeks, who, for a trophy, decorated the trunk of a tree with the arms and spoils of the vanquished enemy, *Stat. Theb.* ii. 707. *Juv.* x. 133. Those who erected metal or stone were held in detestation by the other states, *Cic. de Invent.* ii. 23., nor did they repair a trophy when it decayed, to intimate, that enmities ought not to be immortal, *Plutarch. Quest. Rom.* 36. *Diod. Sic.* 13.

\* OBELISKS. "Few monuments, which the ingenuity or pride of man has produced, have existed so long as the Egyptian obelisks in Rome. We are accustomed to regret, in exploring this city, that there are so few remains of the republic; but these obelisks carry us back to a period far more remote, to the age of Sesostria and Sothis, upwards of 1000 years before the birth of Christ. Augustus was the first who conceived the idea of transporting these immense blocks to Rome: he was imitated by Caligula, Constantius, and others; and they were generally erected in some circus. They have all subsequently been removed, and placed in conspicuous parts of the city, by different popes. Kircher reckons twelve in all. The loftiest is that in front of St. John Lateran. P. Victor calls it 132 feet high. It is of one solid piece of red granite, and covered with hieroglyphics." — *Burton's Antiq.*, i. p. 255.

† "The oldest triumphal arch now existing at Rome, if we except the doubtful monument of Drusus, is the arch of Titus; and, as a proof and illustration of the most important event in the Jewish history, there is not, perhaps, a more interesting object of antiquity in the world: it is an evidence of the fulfilment of prophecy (*Dan.* ix. 27. *St. Luke*, xxi. 20—25.), and a standing monument of the dispersion of the children of Israel from the time the unconscious senate erected this trophy in honour of the decrees of Providence. The Jew and the Christian must equally feel an interest, and linger near the ruin which brings before their eyes the woful history of the siege of Jerusalem." — *Burgess's Topography, &c. of Rome*, i. p. 282. It stands at the foot of the Palatine hill, on the road leading from the Colosseum to the Forum.

Trophies were not much used by the Romans, who, Florus says, never insulted the vanquished, *iii. 2.* They called any monuments of a victory by that name, *Cic. Arch. 7. Dom. 37. Pis. 38. Plin. Paneg. 59. Plin. Nat. Hist. iii. 3. s. 4. 20. s. 24.* Thus the oak tree with a cross piece of wood on the top, on which Romulus carried the spoils of Acron, king of the Cæninenses, is called by Plutarch τροπαιήν: by Livy, *FERCULUM*, *i. 10.*, or, as others read the passage, *FERETRUM*. *Tropæum* is also put by the poets for the victory itself, *Horat. Od. ii. 9. 19. Nep. Themist. 5.*, or the spoils, *Virg. G. iii. 32.*

It was reckoned unlawful to overturn a trophy, as having been consecrated to the gods of war. Thus Cæsar left standing the trophies which Pompey, from a criminal vanity, had erected on the Pyrenean mountains, after his conquest of Sertorius and Perpenna in Spain, *Dio. xli. 24. Strab. iii. p. 156.*, and that of Mithridates over Triarius, near Ziela in Pontus, *Id. xlii. 48.*, but reared opposite to them monuments of his own victories over Afranius and Petreius in the former place, and over Pharnaces, the son of Mithridates, in the latter, *Ibid.* The inscription on Cæsar's trophy on the Alps we have, *Plin. iii. 20. s. 24.* Drusus erected trophies near the Elbe, for his victories over the Germans, *Dio. lv. 1. Flor. iv. 12. 23.* Ptolemy places them (*inter Canduam et Luppiam*), *ii. 11.*

There are two trunks of marble, decorated like trophies, still remaining at Rome, which are supposed by some to be those said to have been erected by Marius over Jugurtha, and over the *Cimbri* and *Teutōni*, vel -es, *Suet. Jul. 11. Val. Max. vi. 9. 14.*; but this seems not to be ascertained.

IX. AQÆDUCTUS (see p. 384.). Some of them brought water to Rome from more than the distance of sixty miles, through rocks and mountains, and over valleys, *Plin. xxxi. 15. s. 24.*, supported on arches, in some places above 109 feet high, one row being placed above another. The care of them anciently belonged to the censors and ædiles. Afterwards certain officers were appointed for that purpose by the emperors, called *CURATORES AQUARUM*, with 720 men, paid by the public, to keep them in repair, divided into two bodies (*familiæ*); the one called *PUBLICA*, first instituted by Agrippa, under Augustus, consisting of 260; the other *FAMILIA CÆSARIS*, of 460, instituted by the Emperor Claudius, *Frontin. de Aquæduct. \**

The slaves employed in taking care of the water were called *AQUA-*

\* "Frontinus tells us that the conduit of the New Anio aqueduct was 63 miles 700 paces in length. Of this 49 miles 200 paces consisted of a subterranean stream, and 9 miles 400 paces were above ground, of which last the higher part consisted of *substructionibus aut opere arcuato*, in several places of great length; and, nearer the city, at the seventh milestone, consisted of *substructione* 609 paces, and *opere arcuato* 6 miles 491 paces; and he adds, 'These arches are the highest of any, being raised in some parts 109 feet.' The term *substructio* probably means a conduit, built by opening up the surface of the ground, and then covering over the building with earth, as we do in such works at this day. But the term *opere arcuato* can only refer to a continued series of arches, and certainly conveys a vast idea of the extent and magnitude of such works." "According to Frontinus, the nine earlier aqueducts delivered daily 14,018 *quinaria*, which corresponds to nearly 28,000,000 cubic feet; and when all the aqueducts were in operation, the quantity must have amounted to 50,000,000." — *Encyc. Brit. art. Aqueduct.*



RIT, *Cic. Fam.* viii. 6. AQUARIA PROVINCIA is supposed to mean the charge of the port of Ostia, *Cic. Vat.* 5. *Mur.* 8.

A person who examined the height from which water might be brought was called LIBRATOR, *Plin. Ep.* x. 50. 69.; the instrument by which this was done, AQUARIA LIBRA, *Vitruv.* viii. 6.: hence *locus pari librâ cum aquore maris est*, of the same height, *Columell.* viii. 17.; *Omnes aquæ diversâ in urbem librâ perveniunt*, from a different height, *Frontin.* i. 18. So, *turres ad libram factæ*, of a proper height, *Cæs. B. C.* iii. 40.; *Locus ad libellam æquus*, quite level, *Varr. de R. R.* i. 6.

The declivity of an aqueduct (*libramentum aquæ*) was at least the fourth of an inch every 100 feet (*in centenos pedes sicilici minimum erit*), *Plin.* xxxi. 6. s. 31.; according to Vitruvius, half a foot, viii. 7. The moderns observe nearly that mentioned by Pliny. If the water was conveyed under ground, there were openings (*lumina*) every 240 feet (*in binos actus*), *Ibid.*

The *Curator* or *Præfectus aquarum*, was invested by Augustus with considerable authority, *Suet. Aug.* 37.; attended without the city by two lictors, three public slaves, an architect, secretaries, &c., *Frontin.*; hence, under the later emperors, he was called CONSULARIS AQUARUM, l. 1. *C. de Aquæd.*

According to P. Victor, there were twenty aqueducts in Rome, but others make them only fourteen. They were named from the maker of them, the place from which the water was brought, or from some other circumstance; thus, AQUA Claudia, Appia, [Mercurii, near the Porta Capena, *Ovid. F.* v. 673.] Marcia, [so called from Ancus Marcius,] Julia, Ciminia, Felix, VIRGO, (vel *virgineus liquor*, *Ovid.* [F. i. 464.] *Pont.* i. 8. 38.) so called, because a young girl pointed out certain veins, which the diggers following found a great quantity of water, *Frontin.*; but others give a different account of the matter, *Plin.* xxxi. 3. *Cassiodor.* vii. *Epist.* 6., made by Agrippa, *Dio.* liv. 14., as several others were, *Suet. Aug.* 42. *Dio.* xlviii. 32. xlix. 14. 42. [*Stat. Sil.* i. 5.]

X. CLOACÆ (*a cluo vel conluo*, i. e. *purgo*, *Fest. & Plin.*), sewers, drains, or sinks, for carrying off the filth of the city into the Tiber; first made by Tarquinius Priscus, *Liv.* i. 38., extending under the whole city, and divided into numerous branches. The arches which supported the streets and buildings were so high and broad, that a wain loaded with hay (*vehis* v. -es, *fœni largè onusta*,) might go below, and vessels sail in them. Hence Pliny calls them *operum omnium dictu maximum, suffossis montibus, atque urbe pensili, subterque navigata*, xxxvi. 13. So *Strab.* v. p. 225. There were in the streets, at proper distances, openings for the admission of dirty water, or any other filth, *Horat. Sat.* ii. 3. 242., which persons were appointed always to remove, and also to keep the Cloacæ clean, *Plin. Ep.* x. 41. This was the more easily effected by the declivity of the ground, and the plenty of water with which the city was supplied, *Plin.* xxxvi. 15.

The principal sewer, with which the rest communicated, was called CLOACA MAXIMA, the work of Tarquinius Superbus, *Liv.* i. 56.\* Various cloacæ were afterwards made, *Liv.* xxxix. 44.

\* "Its innermost vault, forming a semicircle, is 18 Roman palms in width and in height; this is enclosed within a second, and this again within a third: they are

The *Cloacæ* at first were carried through the streets (*per publicum ducta*): but by the want of regularity in rebuilding the city after it was burnt by the Gauls, they, in many places, went under private houses, *Liv.* v. 55.

Under the Republic, the censors had the charge of the *Cloacæ*; but under the Emperors, CURATORES CLOACARUM were appointed, and a tax imposed for keeping them in repair, called CLOACARIUM, *Ulpian*.

XI. VIÆ.—The public ways were perhaps the greatest of all the Roman works, made with amazing labour and expense; extending to the utmost limits of the empire, from the pillars of Hercules to the Euphrates, and the southern confines of Egypt.

The Carthaginians are said first to have paved (*stravisse*) their roads with stones; and after them the Romans, *Isidor.* xv. 16.\*

The first road which the Romans paved (*muniverunt*) was to Capua [about 125 miles]; first made by Appius Claudius the Censor, the same who built the first aqueduct, A. U. 441, *Liv.* ix. 29. *Eutrop.* ii. 4., afterwards continued to Brundisium [when that port became the great place of resort for those who were desirous of crossing over into Greece and Asia Minor], *Horat. Ep.* i. 18. 20. *Sat.* i. 5. *Tacit. Ann.* ii. 30., about 350 miles, but by whom is uncertain †; called REGINA VIARUM, *Stat. Sylv.* ii. 2. 11., paved with the hardest flint so firmly, that in several places it remains entire unto this day, above 2000 years; so broad, that two carriages might pass one another; commonly, however, not exceeding fourteen feet. [The average breadth, according to Eustace, is from eighteen to twenty-two feet: according to Burton, twelve feet.] The stones were of different sizes, from one to five feet every way, but so artfully joined that they appeared but one stone. There were two *strata* below; the first *stratum* of rough stones cemented with mortar, and the second of gravel; the whole about three feet thick. ‡

all formed of hewn blocks of *peperino*, 7½ palms long, and 4½ high, fixed together without cement. This river-like sewer discharges itself into the Tiber through a kind of gate in the quay; which is in the same style of architecture, and must have been raised at the same time, inasmuch as it dams off the river from the Velabrum, which has been rescued from it. It was only for the Velabrum and the valley of the Circus that this cloaca sufficed: far more extensive structures were requisite to convey into it the waters drained off from the land about the Forum and the Suburra, together with what came down from the hills. And a vault no less astonishing than the one just described was discovered during the excavations in the year 1742, passing off from the Velabrum, under the Comitium and the Forum, as far as S. Adriano, 40 palms below the present surface; the locality shows evidently that it might be traced from thence under the Forum of Augustus up to the Saburra, of which express evidence is contained in Juvenal, v. 104." — *Nieb.* i. p. 337.

\* "Perhaps the most ancient paved roads in existence are two leading to the ancient town of Solus, in Sicily, which was inhabited by Phœnicians at a very early age. Vide *Thuc.* l. vi." — *Burton's Antiq.* i. p. 100.

† "The latter part of the Appian way is supposed to have been constructed by the consul Appius Claudius Pulcher, grandson of Cæcus, A. U. 504, and to have been completed by another consul of the same family, thirty-six years after." — *Anthon*.

‡ "It passed by Aricia (*La Riccia*), Tarracina, Fundi (*Fondi*), Formiæ (*Mola*), Minturnæ (*Garigliano*), Capua, Beneventum, Brundisium. Trajan did a good deal to repair it (whence part of it was sometimes called *Via Trajana*), as did Anto-

The roads were so raised as to command a prospect of the adjacent country. On each side there was usually a row of larger stones, called MARGINES, a little raised for foot passengers; hence the roads were said MARGINARI, *Liv.* xli. 27. \*

Sometimes roads were only covered with gravel (*glarea*), with a foot-path of stone on each side, *Ibid.*

Augustus erected a gilt pillar in the *Forum*, called MILLIARIUM AUREUM, *Plin.* iii. 5. *Tacit. Hist.* i. 73. *Suet. Oth.* 6. *Dio.* liv. 8., where all the military ways terminated, *Plut. in Galba*, p. 1064. The miles, however, were reckoned not from it, but from the gates of the city, *l.* 154. D. de V. S. along all the roads to the limits of the empire, and marked on stones. Hence LAPIS is put for a mile; thus, *ad tertium lapidem*, the same with *tria millia passuum ab urbe*, *Plin.* xv. 18. *Liv.* xxvi. 10. At smaller distances, there were stones for travellers to rest on, and to assist those who alighted to mount their horses, *Plutarch. in Gracch.*

The public ways (PUBLICÆ VIÆ) were named either from the persons who first laid them out, or the places to which they led. Thus VIA APPIA, and near it, Via NUMICIA, [or *Minucia*, *Hor. Ep.* i. 18. 20.] which also led to *Brundisium*.

ninus Pius. One great cause of its being out of order arose from the Pontine marshes. The land occupied by them was inundated by the sea, A. U. 440, according to Pliny (iii. 9.); and he quotes Mucianus as saying, that thirty-three cities formerly stood there; previous to which time, we may suppose that the land was particularly fertile, as we read of Rome looking to a supply of corn from thence, and in 372 it was divided among the people: (vi. 21.) One hundred and fifty-two years after the work of Appius, Corn. Cethegus Cos. again drained them, A. U. 598. In the time of J. Cæsar they were again marshy, and he was prevented from draining them by death. (*Sueton.* 44.) Augustus also did not succeed, though he undertook the work; so that the words of Horace were not quite true, or at least premature: —

—— ‘sterilisve diu palus aptaque remis  
Vicinas urbes alit, et grave sentit aratrum.’ — *A. P.* 65.

That there was no carriage road through the marshes, we learn from Horace himself, who in his journey to Brundisium passed them in a boat (*Sat.* i. 5.), and Lucan mentions a canal, ‘Et qua Pontinas via dividit uda paludes’ (*L.* iii.). Trajan carried the road through the marshes for a distance of nineteen miles. Theodosius and his two sons, Arcadius and Honorius, also repaired the road. In spite of all these successive labours, the marshes still remain. Pius VI. has perhaps effected as much as any of his predecessors, and a noble road has been constructed, in a perfectly straight line, for upwards of twenty miles.” — *Burton's Antiq.* i. p. 99.

\* “It is singular that the Romans, who paid such extraordinary attention to the construction of roads, that they were carried in various directions throughout the whole extent of their vast empire, and were formed with such solidity as still to remain, in many parts, in perfect repair, should yet have neglected to pave the streets of the capital. What renders this the more to be wondered at, Herculaneum and Pompeii are found, wherever they have been explored, to have been not only paved, but provided with raised footways; yet certain it is, that the streets of Rome were, for a long period, only partially provided with pavement, and were entirely destitute of any separate path for the convenience of pedestrians, unless where that deficiency was supplied by the porticos in front of the houses. Neither was the city lighted or watched. There was a patrol indeed, but the police regulations were so defective, that the streets were the constant scene of midnight brawls, of which a humorous description is given by Juvenal. (*Sat.* iii.)” — *Sketches of the Institutions, &c. of the Romans*, p. 190.

*Via AURELIA*, along the coast of Etruria; *FLAMINIA*, to Ariminum and Aquileia\*; *CASSIA*, in the middle between these two, through Etruria to Mutina, *Cic. Phil.* xii. 9. *Cat.* ii. 4.; *ÆMILIA*, which led from Ariminum to Placentia, *Liv.* xxxix. 2.

*Via PRÆNESTINA*, to *Præneste*; *TIBURTINA*, vel *TIBURS*, to *Tibur*, *Horat. Sat.* i. 6. 108.; *OSTIENSIS*, to Ostia; *LAURENTINA*, to *Laurentum*; *Plin. Ep.* ii. 16.: *SALARIA*; so called, because by it the Sabines carried salt from the sea, *Festus, Martial.* iv. 64. 18. *LATINA*, &c.†

The principal roads were called *PUBLICÆ*, vel *MILITARES*, *consulares*, vel *prætoriae*; as among the Greeks, βασιλικαὶ, i. e. *regiæ*; the less frequented roads, *PRIVATÆ*, *agrariæ*, vel *vicinales*, *qui ad agros et vicos ducunt*, *Ulpian.*

The charge of the public ways was intrusted only to men of the highest dignity, *Plin. Ep.* v. 15. Augustus himself undertook the charge of the roads round Rome, and appointed two men of Prætorian rank to pave the roads, each of whom was attended by two lictors, *Dio.* liv. 8.

From the principal ways, there were cross roads, which led to some less noted place, to a country *villa*, or the like, called *DIVERTICULA*, *Suet. Ner.* 48. *Plin.* xxxi. 3. s. 25. *Serv. ad Æn.* ix. 379., which word is put also for the inns along the public roads, *Liv.* i. 51. *Donat. in Ter. Eun.* iv. 2. 7., hence for a digression from the principal subject, *Liv.* ix. 17. *Juvenal.* xv. 72.

But places near the road where travellers rested (*quò diverterent ad requiescendum*) are commonly called *DIVERSORIA*, whether belonging to a friend, the same with *Hospitia*, *Cic. Fam.* vi. 19., or purchased on purpose, *Ib.* vii. 23., or hired (*meritoria*), then properly called *CAUPONÆ*, *Horat. Ep.* i. 11, 12., or *TABERNÆ DIVERSORIÆ*, *Plaut. Truc.* iii. 2. 29., and the keeper (*institor*) of such a place, of an inn or tavern, *CAUPO*; those who went to it, *DIVERSORES*, *Civ. Inven.* i. 4. *Divin.* 27. Hence *commorandi natura diversorium nobis, non habitandi dedit*, *Id. Sen.* 23.

In later times, the inns or stages along the roads were called *MANSIONES*; commonly at the distance of half a day's journey from one another (see p. 323.), and at a less distance, places for relays, called *MUTATIONES*, where the public' couriers (*publici cursores* vel *VEREDarii*) changed horses.

These horses were kept in constant readiness, at the expense of the emperor, but could only be used by those employed on the public

\* "It was paved in the censorship of C. Flaminius and L. Paulus, A. U. 533. It went by Otriculum (*Otricoli*), Interamna (*Terni*), Fanum Fortunæ (*Fano*), to Ariminum (*Rimini*). Here the *Via Æmilia* began, which was constructed A. U. 567, when M. Æmilius Lepidus was consul. It passed by Bononia (*Bologna*), Parma, Placentia, Mediolanum (*Milan*), Brixia (*Brescia*), Verona, Patavium (*Padua*), to Aquileia. This also was sometimes called the *Via Flaminia*. Other roads fell into it at different places, such as the *Cassia*, *Aurelia*, *Annia*, *Claudia*, *Augusta*, *Cimina*, *Amerina*, *Sempronia*, and *Postumia*." — *Burton's Antiq.* i. p. 88.

† "The *Via Latina* went to Beneventum, through Anagnia (*Anagni*), Ferentinum (*Ferentino*), Aquinum (*Aquino*), and Casinum (*Monte Cassino*.) It was paved in the time of Augustus, under the direction of Messala; and was considered a most astonishing work. *Tibull.* i. *El.* 7. 59. *Mart.* viii. 3." — *Burton's Antiq.* i. p. 101.

service, without a particular permission notified to the innkeepers by a *diploma*, *Plin. Ep. x. 14. 121.* [See p. 452.] The Romans had no public posts, as we have.

The first invention of public couriers is ascribed to Cyrus, *Xenophon. Cyrop. viii. p. 496. Edit. Hutchinson.* Augustus first introduced them among the Romans, *Suet. Aug. 49. Plutarch. Galb.* But they were employed only to forward the public despatches, or to convey political intelligence, *Plin. Ep. x. 120.* It is surprising they were not sooner used for the purposes of commerce and private communication. \* Lewis XI. first established them in France, in the year 1474: but it was not till the first of Charles II., *anno 1660*, that the post-office was settled in England by act of parliament, *Rapin, vol. ii. 623. fol. ed.*; and three years after, the revenues arising from it, when settled on the duke of York, amounted only to 20,000*l.*, *Ib. 680.*

Near the public ways the Romans usually placed their sepulchres. See p. 422.

The streets of the city were also called *VIÆ*, the cross streets, *VIÆ TRANSVERSÆ*, *Cic. Verr. iv. 53.*; thus, *Via SACRA*, *Horat. Sat. i. 9. † NOVA*, *Ovid. Fast. vi. 395.*, &c. paved with flint, *Juvenal. iii. 270.*, yet usually dirty, *Id. 247. Mart. v. 23. 6. vii. 60.*

The Roman ways were sometimes dug through mountains, as the grotto of Puzzoli, *Crypta Puteolana*, between *Puteoli* and Naples; and carried over the broadest rivers by bridges, (hence *facere pontem in fluvio*; *fluvium ponte jungere vel committere*; *pontem fluvio imponere, indere vel injicere.*)

The ancient bridges of Rome were eight in number. ‡ — 1. *Pons SUBLICIUS* vel *Æmilius* §; so called, because first made of wood (from *sublicæ*, stakes, *Liv. i. 33.*), and afterwards of stone by *Æmilius*

\* “Cicero (*ad Quint. iii. 1. 5.*) received at Rome, on the 28th Sept. (*iv. Kal. Oct.*), a letter, dated in Britain the first of the same month. It had been forwarded, either through civil letter-carriers, or through a military channel; and, considering the passage by sea, and the crossing of the Alps, or a troublesome circuit to avoid the latter, the twenty-six days of actual travelling seem wonderfully few.” (*Blair, p. 261.*) Cesarius, a magistrate of rank, in the time of Theodosius, went post from Antioch to Constantinople. He began his journey at night; was in Cappadocia, 165 miles from Antioch, the ensuing evening, and arrived at Constantinople the sixth day about noon; the whole distance being 725 Roman, or 665 English miles.” — *Gibbon, vol. i. ch. 2.*

† “It seems to have been destined for common religious processions between the two towns on the Quirinal and the Palatine.” — *Nieb. i. p. 250.*

‡ Bridges were the usual places of resort for beggars at Rome: thus *Juv. iv. 116.*, in allusion to Catullus, who had been raised from a low origin to be the parasite of Domitian, styles him, ‘*Cæcus adulator, dirusque a ponte satelles.*’ Again, *xiv. 134.*, he says of a miser’s fare, ‘*Invitatus ad hæc aliquis de ponte negaret.*’

§ “This was the first bridge ever constructed in Rome, and was the work of Ancus Martius, the fourth king. It was here that Horatius Cocles withstood the army of Porsena, till the bridge was broken down behind him. It was then repaired, but still in wood, and without any nails, so that it might be taken to pieces when required, *Plin. xxxvi. 23.* It was destroyed by a great flood in the reign of Augustus; and since Plutarch informs us, that it was rebuilt in stone by *Æmilius*, it is probable that this took place in the year after the inundation, when P. *Æm. Lepidus* was censor. Hence, the bridge is sometimes called *Pons Æmilius*, or *Pons Lepidi.*” — *Burton’s Antiq. i. p. 342.*

Lepidus ; some vestiges of it still remain at the foot of Mount Aventine [which it connected with the Janiculum] : 2. *Pons FABRICIUS*, which led to an isle in the Tiber (*insula*), first built of stone, A. 692, [*Hor. Sat.* ii. 3. 36.] *Dio.* 37. 45.; and 3. *CESTIUS*, which led from the island : 4. *SENATORIUS* vel *Palatinus*, near Mount Palatine ; some arches of it are still standing \* ; 5. *Pons JANICULI*, vel *-aris* [or *Janiculensis*] ; so named, because it led to the *Janiculum* ; still standing : 6. *Pons TRIUMPHALIS*, which those who triumphed passed in going to the Capitol ; only a few vestiges of it remain : 7. *Pons ÆLIUS*, built by Ælius Hadrianus ; still standing ; the largest and most beautiful bridge in Rome [opening a communication from the Campus Martius to his Mausoleum] : 8. *Pons MILVIUS*, without the city ; now called *Ponte molle*. [*Liv.* xxvii. 51.]

There are several bridges on the *Anio* or *Teverone* : the most considerable of which is *Pons NARSIS* ; so called, because rebuilt by the eunuch Narses, after it had been destroyed by Totila, king of the Goths.

About sixty miles from Rome, on the Flaminian way, in the country of the Sabines, was *Pons NARNIENSIS*, which joined two mountains, near Narnia, or Narni, over the river Nar, built by Augustus, of stupendous height and size : vestiges of it still remain ; one arch entire, about 100 feet high, and 150 feet wide.

But the most magnificent Roman bridge, and perhaps the most wonderful ever made in the world, was the bridge of Trajan over the Danube ; raised on twenty piers of hewn stone, 150 feet from the foundation, 60 feet broad, and 170 feet distant from one another, extending in length about a mile. But this stupendous work was demolished, by the succeeding emperor, Hadrian, who ordered the upper part and the arches to be taken down, under pretext that it might not serve as a passage to the Barbarians, if they should become masters of it, *Dio.* lviii. 13. ; but in reality, as some writers say, through envy, because he despaired of being able to raise any work comparable to it. Some of the pillars are still standing.

There was a bridge at Nismes (*Nemausum*), in France, which supported an aqueduct over the river Gardon, consisting of three rows of arches ; several of which still remain entire, and are esteemed one of the most elegant monuments of Roman magnificence. The stones are of an extraordinary size, some of them twenty feet long ; said to have been joined together, without cement, by ligaments of iron. The first row of arches was 438 feet long ; the second, 746 ; the third and highest, 805 ; the height of the three from the water, 182 feet.

In the time of Trajan, a noble bridge was built over the Tagus, or Tayo, near Alcantara, in Spain, part of which is still standing. It consisted of six arches, 80 feet broad each, and some of them 200 feet high above the water, extending in length 660 feet.

The largest single-arched bridge known is over the river Elaver, or Allier, in France, called *Pons veteris Brivatis*, near the city of Brioude,

\* " M. Fulvius began it, A. U. 574, and it was finished by Scipio Africanus and L. Mummius, A. U. 611. It was the first stone bridge built in Rome." — *Burton's Antiq.* i. p. 341.



in Auvergne, from *Briva*, the name of a bridge among the ancient Gauls. The pillars stand on two rocks, at the distance of 195 feet. The arch is 84 feet high above the water.

Of temporary bridges, the most famous was that of Cæsar over the Rhine, constructed of wood, *Cæs. B. G.* iv. 17.

The Romans often made bridges of rafts or boats, joined to one another, *Cæs. B. G.* i. 12. viii. 14. *Flor.* iii. 5., and sometimes of empty casks, or leathern bottles, *Herodian.* viii. *Zosim.* iii. *Lucan.* iv. 420., as the Greeks, *Xenoph. Cyr.* iii.\*

## LIMITS OF THE EMPIRE.

THE limits which Augustus set to the Roman Empire, and in his testament advised his successors not to go beyond, *Tacit. Ann.* i. 11. *Dio.* lvi. 33. 41., were the Atlantic Ocean on the west, and the Euphrātes on the east; on the north, the Danube and the Rhine; and on the south, the cataracts of the Nile, the deserts of Africa, and Mount Atlas; including the whole Mediterranean Sea, and the best part of the then known world. So that the Romans were not without foundation called RERUM DOMINI, *Virg. Æn.* i. 282., and Rome, LUX ORBIS TERRARUM ATQUE ARX OMNIUM GENTIUM, *Cic. Cat.* iv. 6.; TERRARUM DEA GENTIUMQUE *Roma*, CUI PAR EST NIHIL, ET NIHIL SECUNDUM, *Mart.* xii. 8.; CAPUT ORBIS TERRARUM, *Liv.* i. 16. xxi. 30.; CAPUT RERUM, *Tacit. Hist.* ii. 32. *Liv.* i. 45.; DOMINA ROMA, *Horat. Od.* iv. 14. 44.; PRINCEPS URBIUM, *Id.* iii. 13.; REGIA, *Ep.* i. 7. 44.; PULCHERRIMA RERUM, *Virg. G.* ii. 533.; MAXIMA RERUM, *Æn.* vii. 602.: *Sed quæ de septem totum circumspicit orbem Montibus, IMPERII ROMA DEUMQUE, (i. e. principum v. imperatorum) LOCUS, Ovid. Trist.* i. 4. 69. *Dumque suis victrix omnem de montibus orbem Prospiciet domitum, MARTIA ROMA, legar, Ib.* iii. 7. 51. CAPUT MUNDI RERUMQUE POTESTAS, *Lucan.* ii. 136. *Septem URBS alta jugis TOTI QUÆ PRÆSIDET ORBI, Propert.* ii. 11. 57.

Agreeably to the advice of Augustus, few additions were made to the empire after his time. Trajan subdued Dacia, north of the Danube, and Mesopotamia and Armenia, east of the Euphrātes, *Eutrop.* viii. 2. The south of Britain was reduced by Ostorius, under Claudius; and the Roman dominion was extended to the Frith of Forth, and the Clyde, by Agricola, under Domitian, *Tacit. Agric.* 23. But what is remarkable, the whole force of the empire, although exerted to the utmost under Severus, one of its most warlike princes, could not totally subdue the nation of the Caledonians, whose invin-

\* “ To those who reflect on the high degree of opulence and civilisation to which the Romans had attained towards the close of the republic, it must afford matter of surprise to learn that the city contained no public hospitals for the reception of the indigent. The temple of Æsculapius was, indeed, open to the infirm; and many, of every rank, who laboured under disease, were carried thither, to invoke the god of health; but no human aid was afforded them; and it was not until the beginning of the fifth century, that the first infirmary was erected by a Christian lady, named Fabiola. Her benevolent example was soon followed by others of her sect; and not only in Rome, but throughout Europe, the first establishment of these humane institutions was due to the introduction of Christianity.” — *Sketches, &c.* p. 195.

cible ferocity in defence of freedom (DEVOTA MORTI PECTORA LIBERÆ, *Horat. Od.* iv. 14. 18.) at last obliged that emperor, after granting them peace, to spend near two years in building, with incredible labour, a wall of solid stone, twelve feet high and eight feet thick, with forts and towers at proper distances, and a rampart and ditch, from the Solway Frith to the mouth of the Tyne, above 68 miles, to repress their inroads.\*

The wall of Severus is called by some MURUS, and by others VAL-LUM. Spartianus says it was 80 miles long, *in vita Severi*, 18. 22. Eutropius makes it only 32 miles, viii. 19. See also Victor. *Epit* xx. 4. Orosius, vii. 17. Herodian. iii. 48. Bede, *Hist.* i. 5. Cassiodorus, *Chronicon*. Camden, p. 607. edit. 1594. Gordon's Itinerary, c. 7—9. p. 65—93. Gough's translation of Camden, vol. iii. p. 211.

\* Severus, in penetrating this country, is said to have lost no less than fifty thousand men (πέντε μυριάδας ὄλας), *Dio. l.* lxxvi. c. 13. — Mr. Hume must have overlooked this fact, when he says that the Romans entertained a contempt for Caledonia. *Hist. of England*, vol. i. p. 10. 8vo edit.



## APPENDIX TO PAGE 1.

*Origin of the City of Rome.*

“THE origin assigned to the city of Rome appears to rest on no better foundation than mere fabulous tradition. The uncertainty which prevailed on this subject, even in ancient times, is clearly evinced by the numerous and varying accounts of the origin of that city, mentioned by Plutarch in the introduction to his *Life of Romulus*. From those accounts, two conclusions are evidently to be deduced:—1. That the true origin of Rome was to the ancients themselves a fertile theme of controversy: 2. From the very number of these varying statements, as well as their great discrepancy, the city of Rome must have been of very early origin; so early, in fact, as to have been almost lost amid the darkness of fable. But whence do we obtain the commonly received account? From Fabius Pictor, who derived it from an obscure Greek author, Diocles the Peparethian; and from this tainted source have flowed all the stories concerning Mars, the Vestal, the wolf, Romulus and Remus. Of Diocles we know nothing: Plutarch merely names him as the author, whom Fabius ‘was in the habit of following in most things.’ The question here naturally presents itself, as to the degree of credit which is to be attached to the historical productions of Fabius Pictor; for if, as Plutarch informs us, Fabius was in the habit of following in most things the authority of Diocles, we may form a pretty satisfactory idea of the latter writer, from the accounts which have come down to us respecting the qualifications and writings of the former. It will be sufficient here to mention, that, according to Dionysius H., Fabius had no better authority for the great proportion of events, which preceded his own age, than vulgar tradition. Dionysius has also given many examples of improbable narratives, inconsistencies, negligence in the investigation of facts, and chronological inaccuracy. He remarks, moreover, that ‘so negligent had he been, and so little had he regarded ascertaining the truth of what he relates, that all not founded on hearsay was taken from the Greek writers, who had little opportunity of being informed of Roman affairs, and had supplied their deficiency in real knowledge by the invention of fables.’ So low, indeed, even among the Romans themselves, had the character of Fabius for historical fidelity fallen, that Polybius apologises on one occasion for quoting him as an authority. This same character for historical accuracy must fairly be assigned to Diocles the Peparethian; for if Fabius followed him in most things, and be proved, from his very narrative, to have been a visionary, fabulous, and incorrect writer, his prototype Diocles must have been equally, if not more, so. As to the fable of the wolf and the early preservation of Romulus and Remus, the explanation given by Heyne (*Exc. 4. ad Æn. 7.*) is both ingenious and satisfactory. That acute and profound scholar gives it as his opinion, that the whole story respecting Romulus and Remus having been suckled by a wolf, took its rise from the name *Roma* having been derived by some from the old Latin word *ruma* or *rumi*, equivalent to the later form, *mamma*, the breast or pap. Thus, ignorance of the true origin of the names gave rise to fanciful conjectures, and these conjectures, in process of time, became matters of sober history. Thus much for the commonly received account of the imperial city. We propose now to offer one of a different, and, we hope, more satisfactory character;—one which will trace the foundation of Rome to a period long prior to the supposed era of Romulus; and which, advancing still farther, will show that *Roma* was not the *true* or *Latin* name of the city.

“Among the cities of the Pelasgi, in the land once possessed by the *Siculi*, i. e. in Latium, mention is frequently made of one denominated *Saturnia*. This city, thus known by the name of *Saturnia*, is no other than Rome itself.

The following authorities will, it is conceived, sufficiently establish the point. Thus Pliny (3. 5.) observes, 'Saturnia, where Rome now stands.' So Aurelius Victor (3. 1.), 'Saturnia, built on one of the hills of Rome, was the residence of Saturn.' And Justin (43. 1.), 'the mountain, on which he (Saturn) dwelt, was called Saturnia, on which now stands the Roman Capitol; Saturn being as it were displaced by Jove.' In like manner, Ovid (*Fast.* vi. 383.) makes Juno say, 'Rome was formerly called Saturnia, after my father.' See, also, Varro, *L. L.* iv. 7. Saturnia itself is recognised as a very ancient city in the following passage of Diodorus H. (*A. R.* i. 20.): 'The Pelasgi, together with the Aborigines, inhabited many cities, partly dwelt in previously by the Siculi, partly founded by themselves; such as *Cere*, at that time called *Agylla*, *Pisa*, *Saturnia*, *Alatrin*, and some others.'—But by whom was Saturnia built? Was it of Pelasgic origin, or founded by the ancient Siculi? The following authority will furnish a satisfactory answer. Dionysius (1. 73.) quotes an old historian, named Antiochus of Syracuse, (whom he styles at the same time 'no common or recent writer,') to the following effect:—'Antiochus of Syracuse says, that when Morges reigned in Italy, there came to him from Rome an exile named *Saturnus*.' This passage deserves close consideration. 1. As Morges, according to the same writer, succeeded Italus, and as the very name of this latter prince carries us back at once to the earliest periods of Italian history, we find the name *Roma* applied to a city, which must of consequence have been one of the oldest in the land. 2. Antiochus evidently relates a fact, not based on his own individual knowledge, but on an old and established tradition; for Antiochus brought down his history of Sicilian affairs to the 98th Olympiad, B. C. 388,—a period when neither he himself, nor any other Grecian writer, knew aught of Rome, even by report, as a city actually in existence; since only two years previous (B. C. 390), it had been burned by the Gauls, and it was not until more than a century afterwards, that the Romans became known to the Sicilian Greeks by the capture of Tarentum. It would seem, then, that Rome (*Roma*) was the most ancient name, displaced for a time by *Saturnia*, and afterwards resumed. *Saturnus* was a religious appellation; the *Saturnus* of the Italians being, in fact, identical with the *Cronos* of the Pelasgi. The name *Roma*, on the other hand, appears to be derived from *Rumo*, the ancient appellation of the Tiber, according to Serv. (*ad Æn.* viii. 90.)

"We shall now enter more fully into the consideration of our subject, and endeavour to find other additional grounds for the support of the opinion which we are advocating. To the same region of Italy, where Saturn had erected on the Capitoline Mount the city of *Saturnia*, and opposite to whom Janus had also established his residence on the Janiculum, came, according to Dionys. (i. 31.), an individual named Evander, who was received in a friendly manner by the reigning monarch Fannus. Two ships were sufficient to carry him and his followers, and a mountain was assigned to him as the place of his abode, where he built a small city, and called it *Pallantium*, from his native city in Arcadia. This name became gradually corrupted into *Palatium*, while the mountain took the appellation of *Mons Palatinus*. Thus far Dionysius. Now, that a mere stranger, with but a handful of followers, should be received in so friendly a manner by the Pelasgi and Aborigines, as to be allowed to settle in their immediate vicinity, and in a place, too, which was, in later ages, as Dionysius informs us, the very heart of Rome, is scarcely entitled to belief; still less is it to be credited that he wrested a settlement there by force. If, then, we are to retain this old tradition respecting Evander and his followers (and we have nothing whatever which can authorise the rejection of it), in two ways only can the whole be explained. Either Evander was the leader of those very Pelasgi, who, uniting with the Aborigines, drove out the Siculi from Latium, and received for his portion the city of Rome with its adjacent territory; or, he was a wandering Pelasgus, driven from Thessaly by the arms of the Hellenes, and, after many unsuccessful attempts elsewhere, induced to come to Italy in quest of an abode. It becomes extremely difficult to decide

between these two hypotheses, since they both receive considerable support from ancient authorities. The Pelasgi had already, on their very first irruption into Latium, founded a city called *Pallantium*, in the territory of Reate, whose ancient situation Dionys. H. endeavours to point out. The name *Pallantium* was subsequently transferred by these same Pelasgi to the city of Rome, after they had become masters of it by the expulsion of the Siculi. Varro speaks in very express terms on this subject (*L. L.* iv. 8.):—‘The inhabitants of the territory of Reate, named *Palatini*, settled on the Roman *Palatium*.’ A passage of Festus, moreover (*v. Sacrani*), is to the point: ‘The Sacrani, natives of Reate (i. e. the territory), drove the Ligures and Siculi from *Sep-timontium* (i. e. Rome).’ After reading this passage, there surely can be no doubt remaining in our minds as to the early existence of the city of Rome, as well as its occupation by a band of Pelasgi and Aborigines. It is curious, moreover, to compare the name *Sacrani* (evidently *sacred* or *consecrated to some deity*) with the acknowledged fact of the Pelasgi being a sacerdotal caste or order; as well as with the circumstance of a class of priests at Ardea being called *Sacrani*, who worshipped Cybele, a goddess whose worship is most clearly traced from the East. On the supposition, then, that Evander was the leader of the Pelasgi, we are enabled to clear up the old tradition of his having introduced into Italy the use of letters and knowledge of various arts; for we have endeavoured to show in a previous article (see *Pelasgi*), that the Greeks also were indebted to the Pelasgi for an acquaintance with written characters and many of the arts of civilised life. And hence, too, may we satisfactorily remove the difficulty which confronts our theory respecting Evander in the pages of Pliny (7. 56.), when he ascribes the introduction of letters into Italy to the Pelasgic race. If Evander were an Arcadian Greek, and at a time, too, when the Pelasgi were far superior to the Greeks in knowledge and refinement, how could he be the instructor of the latter, especially in so important and essential a particular?

“The second hypothesis stated above, namely, that Evander was a wandering Pelasgi, who had come to Italy in quest of an abode, and had been hospitably received by those of his nation already established there, receives in its turn an air of great probability, from the concurrent testimony of all the ancient writers, as to his having come to Italy by sea, as well as from the circumstance so explicitly stated, that he arrived in two ships with his band of followers. If now we turn our attention for a moment to the fact mentioned in a previous article (see *Utruria*), that after the Hellenes had driven the Pelasgi from Thessaly, a portion of the latter retired into Epirus, while another part sailed to the western coast of Asia Minor, where Homer speaks of them as the allies of the Trojans; if, in addition to this, we call to mind what is stated in the same article, that both divisions eventually settled in Italy, and laid the foundation of the Etrurian confederacy; and if, finally, we take into consideration what Plutarch tells us in his *Life of Romulus* (though he assigns no authority for it), that Romus, king of the Latins, drove out of the city the Tyrrheni, who had come from Thessaly to Lydia, and from Lydia to Italy; the balance preponderates considerably in favour of this second hypothesis. Perhaps, however, they may both be reconciled together by supposing that those of the Pelasgi, who had come from the upper part of Italy, had changed the name of ancient Rome to that of *Palatium*, and that Evander came to and was received among them. It is most probable that Evander was one of the leaders of the Pelasgi from the coast of Asia, and bore a part in founding the Etrurian republic. As to the assertion of Dionysius, that Evander was an Arcadian, it involves no contradiction to what has just been advanced; for Dionysius is one of those who derive the origin of the Pelasgi from the province of Arcadia: others make him an Argive; but these confound Argos Pelasgicum, the head of the Pelasgic confederacy in Thessaly, with Argos in the Peloponnesus.

“Thus much for the origin of Rome. The question now arises, as to the



actual existence of Romulus. In order to answer this satisfactorily, we must go a little into detail. In the district of Latium were, exclusive of Rome, many cities of the Aborigines or Latins, who had settled in this part of the country, together with the Pelasgi. Of these, Alba Longa was the most powerful. Through internal dissensions, and from the operations of other causes, the Pelasgi had lost, in most places out of Etruria, their original ascendancy. A leader from Alba Longa, with a band of voluntary followers, conducted an enterprise against Rome, where the power of the Pelasgi was in like manner fast diminishing: the enterprise succeeded; the conqueror became king of the ancient city, and increased its inhabitants by the number of his followers: the Pelasgi remained, but no longer enjoyed their former power. Whether two brothers, or only a single individual, conducted the enterprise, whether they were previously named *Romulus* and *Remus* (i. e. *Romus*), or, what is far more probable, whether they received these appellations from the conquered city, is a point on which we cannot decide. From the theory thus established, many important inferences may be drawn, which will tend to throw light on certain obscure parts of early Roman history.

1. We cease to wonder at the successful resistance which Rome, apparently in her very infancy, offered to her powerful neighbours; for even at this early period the city must be regarded as of remote and ancient origin.
2. We understand very clearly why Tuscan troops formed one of the wings of the army of Romulus; for there is very strong probability that they were in reality the old Tyrrhenian or Pelasgic inhabitants; and that *Cæles Vibenna*, their leader (to whom one of the hills of Rome was assigned as his abode), was in truth the *Lucumo*, or Ruler of Rome, at the time of its capture by Romulus.
3. We perceive also the meaning of the Etrurian writer *Volumnius*, quoted by Varro (*L. L.* 4. 9.), when he states that the three appellations for the early Roman tribes, *Ramnes* and *Tatienses*, as well as *Luceres*, are all Etrurian terms; the preponderating language in Rome at the time of its capture being Tyrrhenian or Etrurian.
4. We can comprehend the close union and intercourse which subsisted, at a later period, between the Romans and Etrurians; Rome being, in fact, an Etrurian city.
5. The account no longer appears exaggerated, of Romulus having only 3000 foot and 300 horse when he founded Rome, and of there being 46,000 foot and 1000 horse at the period of his death: the former means the forces which accompanied him on his enterprise against the ancient city; the latter were the combined strength of his followers and the ancient inhabitants.
6. We see, too, what to many has appeared altogether inexplicable, how the Roman kings, during their continual wars, were yet able to cherish at home the taste for building, which never can exist among a rude and early community; how it was, that, even at this remote period, the *Cloacæ*, *Circus Maximus*, *Capitol*, and other public constructions, were undertaken and accomplished. These stupendous structures, altogether beyond the resources of Rome, if she is to be considered as an infant state at the time of their execution, were, in fact, the work of the Etrurian part of the population of Rome.
7. We discover the reason of the most distinguished of the Roman youth being sent to the principal Etrurian cities for the purposes of education. We are enabled to discover many of the secret springs which impelled the complicated, and apparently discordant, machinery of the Roman government. The old inhabitants, being much farther advanced in civilisation than their conquerors, would naturally, even after the fall of the city, be respected by the victors for their superior improvement; and the most distinguished of them would be called, from motives of policy, to some slight participation in the affairs of the government. Accordingly, we find that almost one of the first acts of Romulus was the institution of a senate, whose limited number freed him from any apprehensions of their combining to overthrow his power; while their confirmation of his decrees, in case it should be needed, would have great weight with the old population of the city. The impolitic neglect which Romulus subsequently displayed towards this order, ended in his destruction.

"After all which has been said, we hazard little, if any thing, in asserting that the early Roman nobility were the descendants of a sacred or sacerdotal caste. That the Pelasgi were such an order, has been frequently asserted, and, we trust, satisfactorily established. The Etrurians, descendants of the Pelasgi, preserved this singular feature in the form of government which they adopted. The Etrurian confederacy was composed, indeed, of twelve independent cities; yet the government was by no means in the hands of the people; it was the *patrimony of an hereditary caste*, at once invested with the military power and charged with the *sacerdotal functions*. This strange form of government threw the whole power into the hands of the higher classes,—no doubt, the immediate descendants of the Pelasgi,—and subjected to their control the whole mass of the lower orders, very probably sprung from the early Aborigines. Now, reasoning by analogy, we must allow this very same form of government to have prevailed in Etrurian Rome before its conquest by Romulus. This arrangement would throw into the hands of the upper classes the chief power, and give them the absolute control of religious affairs; and on his capture of the city, Romulus would leave them in full possession of the latter, as a matter almost of necessity, while from motives of policy he would allow them to retain a small portion of the former. Hence the origin of the Roman nobility. Many circumstances combine to strengthen what has just been advanced. The nobility had for a long time, in Rome, the sole custody of religious affairs, and from their order all the priests were for a long series of years constantly chosen. Every patrician *gens*, and each individual patrician family, had certain *sacred rites peculiar to itself, which went by inheritance in the same manner as effects, and which the heir was bound to perform*. Even in a later age, when the power of the popular branch had become almost paramount, the senate still assumed to itself the guardianship and control of all religious affairs. In this way, too, is to be explained the relation of patron and client, which in the earlier days of the Roman government was observed with so much formality and rigour. It was an artful arrangement on the part of a sacerdotal order, and may be regarded as analogous to, and no doubt derived from, the institution of *castes* in India. Its object was to keep the lower orders in complete dependence on the higher; and to effect this end, the terrors of religion were powerfully annexed. It was deemed unlawful for patrons and clients to accuse and bear witness against each other; and whoever was found to have acted otherwise, might be slain with impunity, as a victim devoted to Pluto and the infernal gods. A regular system of *castes* seems thus to have prevailed in Rome, both before and a long period after its conquest by Romulus. The accessions constantly making to the number of inhabitants, by the influx of strangers and conquered tribes, would gradually weaken this hereditary, and, as it were, patriarchal influence of the patrician order, by introducing a race of men sprung in a great measure from the Aborigines of the country, and equally averse to the sacerdotal sway and hereditary prerogatives of the nobility.

"The only point which remains for our consideration, is the *true* or *Latin* name of the Roman city. Macrobius (3. 9.) informs us, that the Romans, when they besieged a city, and thought themselves sure of taking it, used solemnly to call out the tutelary gods of the place, because they thought that the place could not otherwise be taken, or regarded it as impious to hold the gods in captivity. 'On this account,' he adds, 'the Romans themselves have willed that both the deity, under whose protection Rome is, as well as the Latin name of the city, should remain secret and undivulged. The *name* of the city is unknown even to the most learned; the Romans being on their guard against mentioning it, lest they themselves might suffer, what they had often put in practice against their enemies, and lest their tutelary deity might be evoked.' To the testimony of Macrobius, may be added that of Pliny (3. 5.):—'Rome, *whose other name* it is forbidden by the secret ceremonies of religion to divulge.' Now, in the sanctuary of Vesta, was preserved the *Palla-*

dium, 'the fated pledge of the Roman dominion,' (*fatale pignus imperii Romani*, Liv. xxvi. 27.). May we not, then, suppose *Pallas* or *Minerva* to have been the true tutelary deity of Rome, and the real or Latin name of the city to have been *Pallantium*? this would bring us back to the ancient name imposed by the Pelasgi. It is curious to observe, moreover, that the *Palladium* and the worship of *fire* are always connected together, which would seem to make the belief respecting the *Palladium* of Pelasgic or Oriental origin." — *Anthon's ed. of Lempriere*, art. *Roma*.

## APPENDIX TO PAGE 44.

### *Laws respecting Debtors.*

"THAT the debtor might be legally torn limb from limb to satisfy his creditors, is the construction which ancient writers have given to the words of the *third* table, respecting debts, as it is interpreted by A. Gellius, xx. 1. It appears that a creditor could, at the expiration of thirty days, seize an insolvent debtor, who could not find bail, and keep him sixty days in chains. During this time, he was allowed to expose him three market days to public sale for the amount of the debt, and at the expiration of the third to put him to death. If there were many creditors, they were permitted to tear and divide his body among them. Such appears to have been the letter of the law. (*Hooke's Rom. Hist.* l. ii. ch. 27. *Rosinus, Antiq. Rom.* viii. 6.). But the interest, if not the humanity, of the creditors uniformly induced them rather to sell the debtor, than avail themselves of this cruel right.

"Montesquieu, Bynkershoek, Taylor, and other respectable modern authors on jurisprudence, have been so forcibly struck with the barbarity of this regulation, that they have denied this privilege of the creditor; and asserted that this law only enacted the sale of the debtor's person, and divided the price among his creditors.

"A. Gellius gives no room to suppose that a doubt had existed on the interpretation of that passage. He clearly marks the difference of the law on that subject at the time in which he lived (A. D. 130.): *membra et artus inopis debitoris brevissimo laniatu distrahebantur, sicut nunc bona venum distrahantur*. In the sequel of the chapter, he laments, in the character of Sextus Cæcilius, the effects of the relaxation of law. He asserts that, if those who were convicted of false testimony were, as formerly, thrown headlong from the Tarpeian rock, that crime would not be so common as he affirmed it to be.

"Two distinguished Roman historians of our own country, Gibbon and Ferguson, follow the acceptance of A. Gellius. 'Bynkershoek's interpretation,' says the former, 'is one perpetual harsh metaphor; nor can he surmount the Roman authorities of Quintilian, Cæcilius, Favonius, and Tertullian.' (Ch. xliv. note 178.) Who this *Favonius* was, whose authority is here represented of such weight by the historian, does not appear. Cicero mentions an active person of that name (*Orat. Mil. Epist. ad Att.* i. 14.), who is not recorded to have delivered his opinions on the laws of the Twelve Tables. Perhaps the historian means to allude to *Favorinus*, a philosopher, introduced by A. Gellius, in the chapter already quoted, holding a conversation with Sext. Cæcilius. See also *Noct. Att.* ix. 8. x. 12. xvii. 10. &c.

"The words of the passage in question, SI. PLUS. MINUS. VE. SECURUNT. SE. FRAUDE. ESTO., if the goods only of the debtor were understood, would militate against a well known law, which nonsuited those, who took or demanded more than the exact debt. *Torrent. Comment. in Sueton. Claud.* 14. *Gruter. ad Senec. Epist.* 48. Thus Plautus, *Mostell.* III. i. 122. Danisla, *Tantum est: nihilo plus peto*. Tranio, *Velim quidem hercle ut uno nummo petas*.

“To a people so simple and unpolished as the Romans were, at the time of the promulgation of the Twelve Tables, it is not probable that a criminal law would have been addressed, in which a word of the most important signification was used in a figurative sense. If any force is allowed to this observation, SECANTO will rather be applied to the literal dismemberment of the body, than to a partition of the effects, of the unfortunate debtor. Nor will the use of the words *sectio* and *sector*, for the *purchase* and *purchaser* of the effects of the condemned, which yielded a profit by the sale in retail, invalidate this conjecture; for they were introduced at a subsequent period, when the progress of civilisation had given rise to more abstract terms. It may be observed that Ernesti, in his *Index Latinitatis Cic.*, denominates SECO, *verbum chirurgicum*. And Gesner, *ad verb.* thus expresses himself: *Quid esset in LL. XII. tabularum secare debitorem, disputatur*. Gell. xx. i. et Quintil. iii. 6. 84. *Mihi persuadent reipsâ permissum fuisse creditoribus, secare in partes ipsum corpus debitoris; sed nunquam eo deventum: qualia etiam in Germanorum legibus veteribus fuisse accepimus.*

“But although the law was never, in execution, carried to this degree of barbarity, the situation of the miserable debtor was, in the early ages of the republic, marked with inhuman severity. In the year of Rome 259, according to Livy (ii. 23.), one of the distressed *nexi* appeared in the Forum, with all the marks of haggard wretchedness, complaining *ductum se ab creditoribus, non in servitium, sed in ergastulum et carnificinam esse*. The early part of the history of the Roman republic exhibits a melancholy series of those oppressive measures towards debtors, which more than once brought the state to the brink of ruin.

“The cruelty of these laws was soon, however, softened; and in the year of Rome 402, it was found necessary to decree a partial liquidation of debts (*Liv. vii. 21.*); and in 429, the disgraceful conduct of L. Papirius to C. Publius, a youth, who had been legally forced to surrender himself as a slave for his father's debts, induced the consuls to propose a law, enacting that, in future, the property, and not the person, of debtors should be seized for payment. (*Liv. viii. 28.*) Yet the operation of this humane decree was afterwards eluded, and the people were driven by arbitrary seizures to secede to the Janiculum. Even the Porcian law, in the year 452, which ordered that no Roman citizen should be scourged or put to death, offered but an imperfect protection to the people.

“Were the law respecting debtors thought of insufficient force, or of doubtful authority, to prove the severity of the Twelve Tables, it would not be difficult to produce other instances. By this system, a father had the right of life and death over his children, which only ceased after a sale of their persons for the third time. What sets the cruelty of this institution in the strongest light is, that a father was not allowed to divest himself of this power, to reward filial piety, or to encourage disinterested affection. This power subsisted to the time of Justinian, who abolished the severity of these laws. *Instit. i. tit. 9.*

“A woman was subject to the same mortifying dependence. Her husband was her only judge and arbiter of her fate; she was not allowed to sue for a divorce, a privilege readily granted to a man. If she was convicted of committing adultery, or of drinking wine, her husband had the right of putting her to death without the formality of a public trial; while she was not permitted, on any provocation, to raise her finger against him. *M. Cato, de Dote, apud A. Gell. x. 23.* To this degradation, indeed, women have been forced to submit in all uncivilised nations.

“By the same laws, capital punishment was inflicted on libellers and satirical poets. *Cicero, Phil. Frag. de Rep. iv.*

“So terrifying, indeed, was the power, which the law gave to the decemvirs, that they were universally detested in Rome. The character of individuals, the libidinous barbarity of Appius, could scarcely have driven the people to

such extremities against that body, had not their office subjected them to the public odium. It is even probable, that, on account of the severity of some of those laws, the original tables were not preserved with that religious attention, which a laudable prejudice would, in other circumstances, have naturally paid to a code of laws, sanctioned, on its introduction, by the general consent of the people. It is uncertain at what period they ceased to exist; and a conjecture may be hazarded, that they were destroyed by the secret artifice of those who had felt the weight of their vindictive asperity, rather than by the undistinguishing fury of the Gauls, or by the open violence of seditious tumults. When the spirit of these laws had been softened by time, and humanised by wisdom, they occupied a high rank in the public estimation. *Bibliothecas, mehercule, omnium philosophorum unus mihi videtur XII. Tabularum libellus, et auctoritatis pondere et utilitatis ubertate superare.* Cic. de Orat. i. Their fragments were carefully collected and committed to memory, *ut carmen necessarium*, and became the foundation of that system of jurisprudence, which regulated and adorned the subsequent ages of the Roman empire."—*Valpy's Sermons*, vol. ii. Appendix.

## APPENDIX TO PAGE 62.

### *On the term Pagans.*

"As I have freely anticipated the use of *pagans* and *paganism*, I shall now trace the singular revolutions of those celebrated words. 1. Παγή, in the Doric dialect, so familiar to the Italians, signifies *a fountain*; and the rural neighbourhood which frequented the same fountain, derived the common appellation of *pagus* and *pagans* (Festus, s. v., and Serv. ad Virg. G. ii. 382.). 2. By an easy extension of the word, *pagan* and rural became almost synonymous (*Plin. H. N. xxviii. 5.*); and the meaner rustics acquired that name, which has been corrupted into *peasants* in the modern languages of Europe. 3. The amazing increase of the military order introduced the necessity of a correlative term (*Hume's Essays*, vol. i. p. 555.); and all the *people* who were not enlisted in the service of the prince, were branded with the contemptuous epithet of *pagans* (*Tac. Hist. iii. 24. 43. 77. Juv. Sat. xvi. Tertull. de Pallio, 4.*). 4. The Christians were the soldiers of Christ: their adversaries, who refused his *sacrament*, or military oath of baptism, might deserve the metaphorical name of *pagans*; and this popular reproach was introduced as early as the reign of Valentinian (A. D. 365) into imperial laws (*Cod. Theodos. l. xvi. tit. ii. leg. 18.*) and theological writings. 5. Christianity gradually filled the cities of the empire; the old religion, in the time of Prudentius (*adv. Symmachum, l. i. ad fin.*) and Orosius (*Præf. Hist.*), retired and languished in obscure villages; and the word *pagans*, with its new signification, reverted to its primitive origin. 6. Since the worship of Jupiter and his family has expired, the vacant title of *pagans* has been successively applied to all the idolaters and polytheists of the old and new world. 7. The Latin Christians bestowed it, without scruple, on their mortal enemies, the Mahometans; and the purest *unitarians* were branded with the unjust reproach of idolatry and *paganism*. See Gerard Vossius, Etymol. L. Lat., in his Works, tom. i. p. 420.; Godefroy's Commentary on the Theodosian Code, tom. vi. p. 250.; and Ducange, Med. et Inf. Latin. Glossar."—*Gibbon's Decline and Fall*, ch. xxi. not. ad fin.



## APPENDIX TO PAGE 78.

*On the Comitia Centuriata.*

“WITH regard to the purpose of the Servian constitution to impart an equal share in the consular government to the plebeians, every one may frame surmises at his pleasure: that it granted them the right of taking part in elections and in legislation, is known to all. Servius would have communicated those rights in the simplest manner, by ordaining that all national concerns should be brought both before the council of the burghers (patricians) and that of the commonalty, and that the decree of the one should not have force without the approval of the other, and should be made null by its rejection. This was the footing the plebeian tribes subsequently stood on for some time in relation to the curies; not, however, until the ties of an amicable intercourse between the two orders had already become manifold. If the curies and tribes had been set up over-against each other from the beginning, they would have torn the state asunder; and it was to accomplish its perfect union that the centuries were devised by Servius. For in them he collected the patricians and their clients together with the plebeians; and along with all these, that new class of their fellow countrymen which had arisen from bestowing the Roman franchise on the inhabitants of other towns, the municipals: so that nobody could in any manner of way account himself among the Romans, without having some place or other, though, indeed, it might often be an utterly insignificant one, in this great assembly (*comitiatus maximus*). The preponderance in it, nay, the whole power, lay with the plebs; yet without exciting ill-will, because it did not decide by itself, but stood on an equipoise with the curies.

“This institution of the centuries has thrown that of the tribes completely into the shade: through the former alone has the name of king Servius maintained its renown to our days. So, likewise, it has long and universally passed for a settled point, that this is understood with more certainty and on better grounds than any other part of the Roman constitution; because it is described by Dionysius and Livy, and that description is couched in numbers: and only a very few, who saw more clearly, have ventured to pronounce, that, at all events, these representations were not suitable to the times of which we have a contemporary history. Neither of them can have been acquainted with the account contained in the commentaries which were ascribed to the king himself; each has written from very different and very defective reports: as to Cicero’s, the only reason that indisposes us to believe its being derived immediately from the authentic source, is, because erudition of this sort was not in his way; else his statements are exceedingly accurate, and may be fully depended upon. The mistakes of the two historians need not surprise us, since they had not to give an account of an existing institution, nor even of one that had been recently changed, but of one that had long since passed away. Livy says expressly, that it had nothing in common with the constitution of the centuries in his days. A variety of other accounts must have been current, containing still greater discrepancies; since Pliny takes 110,000 ases to be the limit for the property of the first class, Gellius 125,000.

“Both the historians are guilty of a mistake, in confounding the burghers with the commonalty, and thus imagining that the same people,—a people in which, up to this time, perfect equality had prevailed,—was now classed according to property, in such a manner that all the power fell into the hands of the rich, though encumbered with no slight burthens. Dionysius adds another error to this, in considering the eighteen equestrian centuries, which had the first rank in the constitution of Servius, as a timocratical institution.

“It is the principle of an aristocracy to maintain a perfect equality within its



own body. A government formed like the Roman, by a large body of houses, was a complete democracy within itself; an aristocracy solely in relation to the commonalty. This was misunderstood by Dionysius and Livy: no change was made by Servius in this equality of the ancient burghers: his timocracy\* only affected those who stood entirely without the pale of that body, or those who at the utmost were attached to it, but far from partaking in the same equality.

"Servius admitted into his comitia, the six equestrian centuries established by L. Tarquinius: they received the name of the six *suffragia*: and these, therefore, comprised all the patricians, among whom it is not conceivable that in this constitution, any more than in the earlier, there should have existed any distinction adapted to the scale of their property. Livy, who forgot, it is true, that Tarquinius had instituted the six centuries, distinguishes them very correctly from the twelve which were added by Servius; out of the principal men in the state, as he says: he ought to have said, in the commonalty; for the patricians were comprehended in the six *suffragia*, and none of them could be admitted into the twelve centuries. Dionysius, therefore, should have confined himself to these twelve centuries, when he conceived that Servius had chosen the knights out of the richest and most illustrious families; which notion he inconsiderately extends to all the eighteen, mistaking the rights and condition of the six *suffragia*.

"For, certainly, the nature of the measure requires, that the person who regulated the division of ranks, when he collected and separated the notables from the commonalty, should pass over such of the nobles of Medullia or Tellena as were quite reduced to poverty and forgotten, and should enroll in these centuries such of the mere freeborn inhabitants as, in conformity with the notion of the class, possessed wealth enough to equip a horseman, provided their honour was untarnished; not those whose character stood the highest, if their means happened to be too small. In an undertaking like that of king Servius, wealth, and not bare lineage, must be taken as the criterion in establishing a plebeian aristocracy under a new form.

"Only we must beware of confounding the first institution with what followed; as also of supposing that the subsequent standard of an equestrian fortune, a million ases †, is derived from the times of Servius. The posterity of those who were first enrolled, must be conceived to have taken their station hereditarily, as well the plebeians as the patricians. Polybius (vi. 20.) says, at present the knights are chosen according to their fortune: formerly, therefore, it was otherwise; that is, according to their birth: and Zonaras informs us, that the censors had the power of rewarding merit, by raising the ærarian into the tribes, and the mere plebeian into the equestrian order; and contrariwise, of punishing such as led a bad life, by erasing them from both the two upper ranks. That the million of after-times cannot have formed the original equestrian fortune is obvious, since the classes from the fourth to the first ascend by intervals of 25,000, and this would be followed by such an enormous leap as from 100,000 to a million; whereas, during the second Punic war, we find this interval subdivided, like the part of the scale below 100,000. (*Liv.* xxiv. 11.) The prevalent opinion, that the equestrian rank from the beginning was essentially identified with great wealth, and yet that all the knights were furnished with horses by the state, and had a yearly rent assigned for their keep (viz. 2000 ases), not only charges the Roman laws with senselessness as well as injustice, but also overlooks Livy's express remark, which follows close upon his account of the advantages enjoyed by the knights, that all these burthens were shifted from the poor on the rich. Who, in truth, would pledge himself that the rich patrician, if he might have

\* "Timocracy: government by men of property, who are possessed of a certain income." — *Webster's Dict.*

† The same as 400 sesteritia; a sestertius being equal to 2½ ases.

his expenses defrayed, would magnanimously decline availing himself of it, for the benefit of his poorer brother patricians? And as for the plebeians, should they, too, have had a like right secured to them by Servius, at all events it cannot have come into exercise for many generations. But at first, no doubt, it was one of the patrician privileges: indeed, the incontestable meaning of the account in Cicero, representing this allowance as an institution of the first L. Tarquinius, is, that its origin was prior to the establishment of the commonalty as an estate; and if restricted to those among the ruling burghers, who, though equal to their fellows in rank, were inferior in fortune, it was neither unfair nor arrogant." — *Nieb.* i. p. 373—380.

"The form of the equestrian order was determined by that of the older centuries, which remained unaltered as the six *suffragia*; and after which, the twelve plebeian centuries were modelled. The centuries of the knights had nothing in common with the form of the army; the terms of the cavalry no way corresponded with them: whereas, on the other hand, the classes exhibited a representation of an army of infantry, in exact accord with the constitution of the legion; troops of the line and light-armed troops, with their body of reserve, their carpenters, and their band, and even with the baggage train." — *Nieb.* i. p. 382.

"There are two points which I would not pass over: in the first place, that the Romans knew only of five classes; and so Dionysius, who calls such as gave in less than 12,500 ases at the census a sixth class, is just as much mistaken in this as when he allows them only one century: next, that the regularity of the scale here again assuredly puts it beyond a question, that his statement of the fortune of the fifth class at 12,500 ases, or 1250 drachms, is the correct one, and not Livy's, which fixes it at 11,000 ases." — *Ibid.* p. 383.

"Every body sees that one of the fundamental principles in this constitution was to adapt the distribution of power, and of arms as the means of maintaining power, to the scale of property. In the relation between the juniors and the seniors, yet another purpose displays itself. The ancient nations often intrusted the charge of taking counsel for the common weal to the elders exclusively; and in a like spirit, the seniors are placed on a par with the juniors as to the number of their centuries: nor can we fail to perceive here the justness of Cicero's words (*de Rep.* ii. 22.), that throughout the whole of the system, the aim was to withdraw the power of deciding from the majority: for, in this way, the minors were to preponderate even within the same class. That is to say, the seniors, whether we take them in the wider or narrower extent (i. e. *all* above forty-six, or only those between forty-six and sixty-one), were much fewer than the juniors." — *Ibid.* p. 386.

"A second division of the centuries was into the *assiduus*, or *locupletus*, and the *proletarius*. Among the former, the craftsmen attached to the first and fifth class, must also have been reckoned. Now, the *assiduus* were all whose fortune came to above 1500 ases; consequently, they also included such as stood between this limit and the fifth class: and since, on pressing emergencies, the *proletarians* were called out and equipped with arms at the public expense, it plainly follows that these *assiduus*, though comprehended in no class, can still less have been exempted from military service; nor can they have been without the right of voting, which was shared by the *proletarians* and the *capitecensi*. They were, without doubt, the *accensi*, who, Livy says, voted like the musicians, with the fifth class: or, more correctly speaking, as we now know from Cicero, they formed two centuries, the *accensi* and *velati*; which were probably distinguished from each other by their census as well as in other respects: so that those may have been called *accensi*, who were rated at more than say 7000 ases; those *velati*, whose return fell between that sum and the *proletarians*. It has already been noticed as a peculiarity in the ancient Latin—above all, in the technical and official language—that words used in denoting two objects, which, whether from their contrast or their affinity, are necessarily referred to each other, were combined by mere juxtaposition,

without any connecting particle; as, *empti venditi, locati conducti, locati Latini, Præci Latini*; thus it was the practice to say and write *accensi delati*; the more so, as they were certainly united in the one battalion of the *accensi*." — *Ibid.* l. p. 389.

"The proletarians, in the most precise sense of the name, according to Gellius, were those who gave in their property under 1500 ases, and above 375: such as came below this mark, and those who had nothing at all, were called *capitecensi*: in a wider sense, and as contrasted with the assiduers, both these divisions were comprised under the name of proletarians." — *Ibid.* p. 391.

"The proletarians stood on a lower footing, not only than the classes, from the insignificance of their share in the right of voting, but than all the assiduers in their civil capacity and estimation. The phrase *locuples testis* demonstrates that, even in giving evidence, there was a distinction humiliating to the poor. Where such was the case, it cannot be supposed that the proletarians were eligible to plebeian offices. But to make amends for this, they were exempted from taxes. The etymology for the name of the opposite class, the *assidui ab ase dando*, implying that they are liable to be taxed, is evidently right." — *Ibid.* p. 393.

## APPENDIX TO PAGE 140.

### *Laws of the XII Tables.*

"From a motive of national pride, both Livy and Dionysius are willing to believe, that the deputies of Rome visited Athens under the wise and splendid administration of Pericles; and the laws of Solon were transferred into the Twelve Tables. If such an embassy had indeed been received from the barbarians of Hesperia, the Roman name would have been familiar to the Greeks before the reign of Alexander: and the faintest evidence would have been explored and celebrated by the curiosity of succeeding times. But the Athenian monuments are silent; nor will it seem credible that the patricians should undertake a long and perilous navigation to copy the purest model of a democracy. In the comparison of the tables of Solon with those of the decemvirs, some casual resemblance may be found; some rules which nature and reason have revealed to every society; some proofs of a common descent from Egypt or Phœnicia. But in all the great lines of public and private jurisprudence, the legislators of Rome and Athens appear to be strangers or adverse to each other.

"The Twelve Tables afford a decisive proof of the national spirit, since they were framed by the wisest of the senate, and accepted by the free voices of the people; yet these laws, like the statutes of Draco, are written in characters of blood. They approve the inhuman and unequal principle of retaliation; and the forfeit of an eye for an eye, a tooth for a tooth, a limb for a limb, is rigorously exacted, unless the offender can redeem his pardon by a fine of 300 pounds of copper. The decemvirs distributed with much liberality the slighter chastisements of flagellation and servitude; and nine crimes of a very different complexion are adjudged worthy of death. I. Any act of *treason* against the state, or of correspondence with the public enemy. The mode of execution was painful and ignominious: the head of the degenerate Roman was shrouded in a veil; his hands were tied behind his back; and, after he had been scourged by the lictor, he was suspended in the midst of the Forum on a cross, or inauspicious tree. II. Nocturnal meetings in the city; whatever might be the pretence — of pleasure, or religion, or the public good. III. The murder of a citizen; for which the common feelings of mankind demand the blood of the murderer. IV. The malice of an *incendiary*. After previous ceremony of whipping, he himself was delivered to the flames;

and in this example alone our reason is tempted to approve the justice of retaliation. V. *Judicial perjury*. The corrupt or malicious witness was thrown headlong from the Tarpeian rock to expiate his falsehood, which was rendered still more fatal by the severity of the penal laws, and the deficiency of written evidence. VI. The corruption of a judge, who accepted bribes, to pronounce an iniquitous sentence. VII. Libels and satires, whose rude strains sometimes disturbed the peace of an illiterate city. The author was beaten with clubs—a worthy chastisement—but it is not certain that he was left to expire under the blows of the executioner. [*Hor. Ep. ii. 2. 154. Cic. de Rep. l. iv. ap. Augustin. de Civit. Dei, ix. 6. in Fragm. Philos. t. iii. p. 393. ed. Olivet.*] VIII. The nocturnal mischief of damaging or destroying a neighbour's corn. The criminal was suspended as a grateful victim to Ceres. But the Sylvan deities were less implacable, and the extirpation of a more valuable tree was compensated by the moderate fine of 25 pounds of copper. IX. Magical incantations, which had power, in the opinion of the Latin shepherds, to exhaust the strength of an enemy, to extinguish his life, and remove from their seats his deep-rooted plantations. The cruelty of the Twelve Tables against insolvent debtors still remains to be told; and I shall dare to prefer the literal sense of antiquity, to the specious refinements of modern criticism.\* After the judicial proof or confession of the debt, thirty days of grace were allowed before a Roman was delivered into the power of his fellow citizen. In this private prison, twelve ounces of rice were his daily food; he might be bound with a chain of fifteen pounds' weight, and his misery was thrice exposed in the market-place, to solicit the compassion of his friends and countrymen. At the expiration of sixty days, the debt was discharged by the loss of liberty or life; the insolvent debtor was either put to death, or sold in foreign slavery beyond the Tiber; but if several creditors were alike obstinate and unrelenting, they might legally dismember his body, and satiate their revenge by this horrid partition. As the manners of Rome were insensibly polished, the criminal code of the decemvirs was abolished by the humanity of accusers, witnesses, and judges; and impunity became the consequence of immoderate rigour. The Porcian and Valerian laws prohibited the magistrates from inflicting on a free citizen any capital, or even corporal, punishment; and the obsolete statutes of blood were artfully, and perhaps truly, ascribed to the spirit, not of patrician, but of regal tyranny."—*Gibbon, Decline and Fall, ch. xlv.*

## APPENDIX TO PAGE 156.

### *Character of the Roman Constitution.*

"WHOEVER has traced the character of the Roman constitution through the successive periods of the commonwealth, must have observed in it a number of points which are entirely congenial to despotism. In fact, the powers of the magistrates were to a high degree tyrannical; and were only counteracted by the mutual check which they severally found in the equally tyrannical powers of the rest. For instance, the authority of the consul seems, in itself, to have been absolute, although its exercise was restrained, within the walls of Rome, by the protecting power of the tribunes, and by the right of appeal to the people; abroad, by the particular provisions of the Porcian law. Till that law was enacted, the consul, when without the city, commanding the

\* Bynkershoek (*Observat. Juris Rom. l. i. c. i. in Opp. t. i. pp. 9, 10, 11.*) labours to prove that the creditors divided not the *body*, but the *price*, of the insolvent debtor. Yet his interpretation is one perpetual harsh metaphor; nor can he surmount the Roman authorities of Quintilian, Cæcilius, Favonius, and Tertullian. See *Julius Gellius, Noct. Att. xxi.*

armies of the commonwealth, was altogether the master of the life of every citizen. Nor was this confined to points of military discipline; for we read that Q. Fabius Maximus threatened with death a citizen who had been just elected to the consulship for the ensuing year, because he had maintained the validity of his own election, which Fabius wished to overthrow, and to recall the centuries to give their votes over again. (*Livy*, xxiv. 9.) The censors might degrade any individual from his rank in the commonwealth, at their sole discretion: the tribunes, or even any single member of their college, might stop the proceedings of every department of the government, and seem to have possessed an arbitrary power of committing any one to prison who opposed their measures. If, from the ordinary magistrates of the commonwealth, we turn to the senate itself, we shall see that body, although properly only a single member of the legislature, assuming to itself the right of dispensing with the laws, or of annulling them altogether; and claiming and exercising an unlimited despotism, whenever it thought proper to declare the country in danger, and to give the consuls charge to provide for its safety. Above all, the Romans were familiarised to arbitrary power in the authority possessed by the members of the various special commissions which were from time to time appointed. The commission of ten senators, who were usually empowered to settle the state of a newly conquered country at the close of a war, was accustomed, indeed, to act only in the provinces; but the commissioners for planting colonies, for superintending the distribution of national lands under an Agrarian law, for providing for the supply of the Roman markets, or for instituting an inquiry into any alleged misdemeanours and malversations, exercised their power towards citizens, and seem to have enjoyed an ample discretion, which might be moderated only by the fear of future impeachment at the expiration of their office. In later times, the practice of appointing extraordinary officers had become almost equivalent to the formation of a temporary monarchy. Twice had Pompey been invested with sovereign power over a large portion of the empire; first, when he was intrusted with the supreme direction of the war with the pirates, and again when he was sent to finish the long-contested struggle with Mithridates. On a third occasion, when he was named comptroller of the markets, allowed to appoint his lieutenants to act under him in the different provinces, and intrusted with the discretionary employment of a large sum of the public money, his power seemed far to exceed the level of a citizen of a free commonwealth. When, therefore, that atrocious commission of three, for regulating and settling the affairs of the republic, was instituted, in the persons of Augustus, Antonius, and Lepidus, it was a measure not altogether unprecedented, and certainly analogous to the less absolute, but yet very extensive, powers which had been often given to special commissioners under circumstances of less general disorder. And the imperial power of Augustus was only an enlarged special commission of the same nature. It was limited in its duration, as it was to expire at the end of ten years; it was conferred by the senate on the most distinguished citizen in the commonwealth, for the avowed purpose of remedying the evils which had grown up during a period of unparalleled confusion. That it was in the highest degree arbitrary, was conformable to the general spirit of similar commissions, which had been conferred by the senate and people in former times; and in this manner the government was made gradually to slide into a monarchy, merely by a dexterous application and enlargement of precedents, which had occurred repeatedly through the successive periods of the duration of the commonwealth." — *Encycl. Metropol.* P. xiv. p. 363.



## APPENDIX TO PAGE 169.

*On the Agrarian Laws.*

“ IN almost all countries, the legal property of the land has been originally vested in the sovereign, whether we are to understand under that name a single chief, a particular portion of the nation, or the people at large. In the same manner, the property of all land in a conquered country was, in ancient times, held to be transferred to the sovereign power in the conquering state. Whether the right thus acquired was exercised in its utmost rigour, depended upon circumstances: it was so exercised, in some instances, by the total expulsion of the old inhabitants, and the settlement of a new population in their room; sometimes the former proprietors were left in the occupation of their lands, but only on the footing of tenants, obliged to pay a rent to a number of individuals of the conquering nation, among whom the property of the conquered country was divided; and sometimes, when the victors behaved most mildly, they merely imposed a land-tax on their new subjects, and reserved to themselves the tithe of the produce of the soil, as an acknowledgment of their right of property over it. Now, as the Romans acquired the greatest part of Italy by conquest, the Roman people were the lords of the soil in almost every part of the peninsula. In many, or in most instances, the former owners were left in undisturbed occupation; but there were also very extensive tracts of land which the Romans took into their own hands, and which were more peculiarly called *Ager publicus*, the lands of the commonwealth. *These were the joint property of all the citizens*; nor, till a regular division of them took place, could any one individual claim the exclusive ownership of any part of them, though he, in common with his neighbours, had a right to the use and enjoyment of the whole. This community of possession was sufficiently natural and practicable in the earliest periods of society, when the land was occupied rather in feeding cattle than in tillage; a period, the dim remembrance of which was fondly cherished under the notion of a golden age of universal brotherhood. But, in a more advanced stage of society, to leave land in this state was, in effect, to expose it to a sort of general scramble, in which it was soon found that the strong encroached upon the weak, and that the poor man could get none of the benefits of that common stock of which he was nominally one of the proprietors. Hence originated the practice of assigning to each individual a certain portion, and of marking out and securing its limits with the greatest solemnities of religion. Every thing was done under the direction and according to the rites of the augurs, who derived their art from the mysterious lore of the priests or sages of Etruria. The augur stood with his face turned towards the south, the east, or the west; and drew across the whole space of land to be divided two main lines intersecting each other at right angles: the one from north to south, called *Cardo*, from its being drawn towards the supposed pole of the heaven; and the other from east to west, called *Decumanus*. These were made of a considerable width, to serve as roads; and parallel to each of them were drawn a succession of other lines, till the whole ground was portioned out into a number of equal squares, according to the number of persons among whom it was to be divided. Each of these squares was further defined by a certain number of *termini*, or landmarks, which being once fixed in this solemn manner, it became the height of wickedness to remove. Every portion of land thus allotted to any Roman citizen became his freehold in the highest sense of the term: it paid no land-tax or tithe; for the individual to whom it had been granted only received it as his fair dividend out of the common stock, and enjoyed with regard to it the same complete sovereignty which the whole state had possessed over the whole of the conquered land while it remained undivided. It might be sold also by *mancipatio*, — that is, with an unexceptionable and perfect title, — as



the owner held it free from every incumbrance and in absolute propriety, and could convey it away, therefore, on the same terms. But the great mass of the national demesnes, which had not been thus divided, were held by a very different tenure. We have said that they were considered as common property; but it appears that individuals were allowed to occupy and enclose certain portions of them; and that this possession or occupation, as it was called, though liable to be determined at any moment whenever the state thought proper to claim its rights, and to order a division of the land, was yet protected by the authority of the prætors from the forcible encroachment of any other private individual. By what means one person was entitled to this sort of possession in preference to another, does not seem to be clearly ascertained. Appian, indeed, is probably correct in his account of the general origin of the practice: the land thus occupied, he says, was mostly waste; and whilst it was undivided, the state permitted individuals to cultivate certain parts of it for themselves, on the payment of the tithe of the produce to the public revenue. But whether the censors, or any other magistrates, possessed the patronage of nominating the persons who were to enjoy so profitable a bargain, Appian either knew not, or was too careless to mention. From the imperfect notices of Festus (*v. Possessio*) and Siculus Flaccus (*de Conditionibus Agrorum, op. Script. Rei Agr. ed. Goesii*), it would seem that the occupation was altogether arbitrary; and it is possible, that the officers and soldiers of the conquering army, may, at the time of their conquests, have secured and marked out for themselves certain parts of that land from which they had just expelled the owners. Be this as it may, we know that, in process of time, the possession of this undivided land fell almost exclusively into the hands of the nobility. The ground, however, which any person thus enjoyed, was protected by none of those sacred *termini* which marked the limits of freehold property: it was guaranteed by no solemn and public act, ratified with the sanctions of the natural religion; nor was it always secured, as in regularly divided lands, by the neighbourhood of many other similar properties, whose owners had a common interest in defending each other from oppression. A poor man's occupation-farm might be often in the midst of a large tract possessed by a wealthy patrician, and would be most commonly so remote from Rome, as to render an appeal to the prætor's protection almost impracticable. Under these circumstances, the small occupiers were often forcibly expelled, often intimidated or oppressed into a sale of their lands, and still oftener found their possessions encroached upon while they were absent on their duties as legionary soldiers, and the unconsecrated and irregularly marked boundary of their farm removed from its place by some more powerful neighbour. (*Appian. B. C. i. 7. Plut. T. Gracch. 8.*) Thus the greatest part of the national demesnes were productive of advantage only to a small class of the community; and the system of occupation, which might have been tolerable so long as all ranks shared in its benefits, became a great injustice when it only enriched a few of the great nobility. To check this evil, was the object of the famous Licinian law, which had nothing to do with private property, as has been commonly supposed, but only limited the amount of undivided national land which might be occupied by any one individual. Meantime, as estates thus held by occupation were *legally* secure against any claims but those of the state, and as the passing an Agrarian law for the division of the national lands was always strenuously opposed by the whole weight of the aristocracy, this species of property was transferred by sale from one holder to another, with almost as much confidence as if it were really freehold. Sold, indeed, by mancipation, it could not be; for the state still continued to be its lawful owner, and it was still liable to the payment of tithe or land-tax, which, according to the Roman law, were infallible signs that the property belonged to the sovereign. But the possession of it was bought and sold on the speculation that the right of the state would not be exercised; a speculation, be remembered, which rested on no tacit agreement, but was founded merely

on the strength of the aristocratical interest, and on the probability that it would be able to defeat any proposal for the regular division of the national lands according to the forms of the Agrarian laws.

“These much misunderstood laws, therefore, were no violations of the rights of property, nor were they fantastic attempts to interfere with the natural progress of wealth; but a strictly regular and legal way of disposing of the estates of the commonwealth; conducing no less to the general benefit than to that of the poorer citizens, who were thus more immediately provided for. The severity of the ancient law of nations, which allowed so free a use of the right of conquest, may, indeed, be justly condemned; yet it is at least as defensible as the pretensions of sovereignty so often advanced by modern nations over uncivilised countries, on no better ground than the accident of being the first Europeans to discover them. But, laying out of view the loss sustained by the conquered people, and the encouragement given to a spirit of ambition on the part of the conquerors, the Agrarian laws appear to have been among the fairest means ever devised for obviating the necessity of poor-laws, and providing for the wants of a redundant population. It will not be supposed that we are extending this praise to the military colonies of Sylla, of Cæsar, or of the second triumvirate; or that we are insensible to the abuses often attending the execution of the Agrarian laws of an earlier period, when the commissioners for dividing the national lands were invested with too ample authority, and were often induced, from party or personal motives, to select the new colonists out of the least deserving part of the poorer citizens. But the principle of portioning out the national property, from time to time, amongst the individual members of the nation, was certainly not contrary to justice; nor was the policy contemptible, of thus providing for the indigent, and strengthening the state at large by covering its frontiers with a line of colonies, depending on it for protection, and abundantly repaying it by keeping its conquests in obedience, and withstanding the first attacks of its enemies. The propriety, indeed, of selecting any particular district for the operation of an Agrarian law, was to be determined by the peculiar circumstances of the case. When the national demesnes, as was the case in Campania (see Cicero’s speeches against the Agrarian Law of P. Rullus), were actually possessed by a number of small occupiers, who lived on their own farms, cultivated them well, and regularly paid their tithe to the government; and when the colonists by whom they would have been superseded, were likely to be the mere refuse of a profligate populace, chosen by the proposer of the measure in reward of the turbulence which they had displayed in the internal disputes of the capital, the impolicy of an Agrarian law in this particular instance was evident. But when, on the contrary, the demesnes of the state had been engrossed, to an illegal amount, by two or three wealthy individuals; when these persons, according to their frequent practice, had expelled by violence or oppression the poorer occupiers, who held their farms by the very same tenure of tolerated temporary possession; when they had covered the country with workhouses for their slaves, and employed the labour of none but slaves in the cultivation of their lands, to the absolute extirpation of the free peasantry; it was at once a measure of justice and wisdom on the part of the state, to turn off those tenants at will by whom its indulgence had been abused and its property mismanaged; and to divide its lands regularly amongst its own free citizens, who were already the joint proprietors, rather than suffer them to lie profitless to itself, maintaining only one or two self-constituted tenants and a multitude of slaves. In its principle, therefore, the Agrarian law of Tiberius Gracchus was just and wise; and his proposal to allow a compensation to the occupiers of national lands, for the loss of possessions absolutely illegal in their extent, and held, even within the limits fixed by the Licinian law, only during the pleasure of the people, was a concession more liberal than they were strictly entitled to demand. It is another question how far it was politic to bring the measure forward, considering the actual strength of the aristocracy:

the power of the nobility had so long suspended the execution of an Agrarian law in Italy, that they had derived advantage from their own wrong, and seemed to have gained the sanction of time for their encroachments, because they had for so many years prevented the people from questioning them. Under these circumstances, many preparatory steps were needful before the evils of the existing system could be attacked with any hope of success; and as imprudence in a reformer is in itself a political crime, the memory of Gracchus is justly liable to blame, notwithstanding the purity of his motives, and the strict legality and beneficial nature of the reform which he vainly endeavoured to accomplish." — *From the Quarterly Review of Niebuhr's History*, vol. xxxii. p. 72—77.

Consult also an article on the same subject in *Anthon's ed. of Leupriere's Class. Dict.*, and the *Encycl. Metropol. Biography*, p. 367.

## APPENDIX TO PAGES 350. 363.

### *Vexillarii.*

"THE number of the *vexillarii* was by no means definite, but varied according to circumstances. In the *first* place (as observed in the text), they consisted of *veterans*, who were retained *sub vexillo*, until they should obtain an honourable discharge, *ceterorum immunes*, '*nisi propulsandi hostis*' (Tac. Ann. i. 36. & 39. iii. 21.); *secondly*, of legionaries, who, recovering from sickness, were now in a state of convalescence (*Cæsar de Bello Gallico*, vi. 36.); *thirdly*, of young soldiers (*vexillum tironum* is mentioned by Tacitus, Ann. ii. 78.); and, *fourthly*, of all Romans, who, though in active service, were not enrolled in the legions. Thus, in Suetonius (*Aug.* xxv.) the *libertini* who served in Germany and Illyricum during the reign of Augustus, are said to have been *sub vexillo*. Draughted from these various sources, the *vexillarii* must occasionally have been numerous. Thus, in Tacitus (*Hist.* xi. 33.), we read of 13,000 *vexillarii*, because the *vexillationes* of several legions, as well as many *thrones*, are included. Being inferior in numbers and efficiency to the legion, we may understand why it should be said (Tac. *Hist.* xi. 66.), *Vexillarius pulsus, vires legionis non affuisse*. We may observe, that various opinions have been held on the nature of the *vexillarii*. Lipsius contends that they were *veterans*, retained *sub vexillo* (Milit. Roman. i. 8.); Pichena and J. F. Gronovius considered them to be *detachments* of legionaries, sent upon any particular mission (Tacit. Ann. i. 38. *de vitâ Agricolaë*, 18.); Salmasius supposed them to be *light-armed troops*; and Ernesti, in his edition of Tacitus (tom. ii. p. 578.), informs us that they were *recruits* (*tirones*)."  
Abridged from BROTIER, *ad Tac. Ann.* l. i. c. 38.

The opinion of Brotier appears to reconcile all these discrepancies; for the *vexillarii*, without any doubt, consisted of *tirones* (*recruits*), as well as *veterans*. The majority of them would probably be *light-armed troops*, and they would frequently be sent out as *detachments*, to act, on particular occasions, *apart* from their respective legions; for a *vexillum* was attached to each. The same writer estimates the number of *vexillarii*, in the reign of Tiberius, at 30,000, and the legionary forces at 170,650, (*ad Tac. Ann.* iv. c. 5.).

## APPENDIX TO PAGE 419.

### *On the ancient Wines.*

"FEW parts of Italy proved unfriendly to the vine; but it flourished most in that portion of the south-western coast, to which, from its extraordinary fertility and delightful climate, the name of *Campania Felix* was given. Con-

cerning the extent of the territory in question, there is some difference of opinion among ancient authors. Pliny and Strabo, who have given the fullest account of its geography, confine the appellation to the level country reaching from Sinuessa to the promontory of Sorrento. The exuberant produce of the rich and inexhaustible soil of the whole of this district, which is so happily exposed to the most genial breezes, while it is sheltered by the Apennines from all the colder winds, has called forth the eulogies of every writer who has had occasion to mention it. See Florus, *Epit. Rom.* i. 16. From this district, then, the Romans obtained those vintages which they valued so highly, and of which the fame extends to all parts of the world. In ancient times, indeed, the hills by which the surface is diversified seem to have formed one continued vineyard, and every care was taken to maintain the choice quality of the produce. With respect to locality and designation of particular celebrated spots, much controversy has arisen among critics. In the quotation from Florus, which has been adduced, Falernus is spoken of as a mountain; and Martial describes it under the same title (*Ep.* xii. 57.); but Pliny, Polybius, and others, denominate it a field or territory (*ager*); and as the best growths were styled indiscriminately Massicum and Falernum, Peregrini concurs with Vibius, in deciding that Massicus was the proper appellation of the hills which rose from the Falernian plain.

“The truth seems to be, that the choicest wines were produced on the southern declivities of the range of hills which commence in the neighbourhood of the ancient Sinuessa, and extend to a considerable distance inland, and which may have taken their general name from the town or district of Falernum: but the most conspicuous, or the best exposed among them, may have been the Massicus; and as, in process of time, several inferior growths were confounded under the common denomination of Falernian, correct writers would choose that epithet which most accurately denoted the finest vintage. If, however, it be allowable to appeal to the analogy of modern names, the question as to the locality will be quickly decided; for the mountain that rises from the Rocca di Mondragone, which is generally allowed to point to the site of the ancient Sinuessa, is still known by the name of *Monte Massico*. That the Massic wines were grown here, is sufficiently proved by the testimony of Martial, who describes them as the produce of the Sinuessan vineyards: (*Epigr.* xiii. 11. *De Sinuessanis venerunt Massica prælis.*)

“The account which Pliny (*H. N.* xiv. 16.) has furnished of the wines of the Campania, is the most circumstantial; and, as no one had greater opportunities of becoming familiar with the principal growths of his native country, doubtless the most correct. ‘Augustus, and most of the leading men of his time,’ he informs us, ‘gave the preference to the Setine wine that was grown in the vineyards above the Forum Appii, as being of all kinds the least apt to injure the stomach. Formerly the Cæcuban, which came from the marshes of Amycla, was most esteemed: but it has now lost its repute, partly from the negligence of the growers, and partly from the limited extent of the vineyard, which has been nearly destroyed by the navigable canal that was begun by Nero from Avernus to Ostia. The second rank used to be assigned to the growths of the Falernian territory; and among them, chiefly to the Faustianum. The territory of Falernum begins from the Campanian bridge, on the left hand as you go to Urbana, which has been recently colonised, and placed under the jurisdiction of Capua by Sylla; the Faustian vineyards, again, are situated about four miles from the village, in the vicinity of Cediæ, which village is six miles from Sinuessa. The wines produced on this soil owe their celebrity to the great care and attention bestowed on the manufacture; but latterly they have somewhat degenerated from their original excellence, in consequence of the rapacity of the farmers, who are usually more intent upon the quantity than the quality of the vintages. They continue, however, in the greatest estimation; and are, perhaps, the strongest of all wines, as they burn when approached by a flame. They are of three kinds; namely, the dry, the

sweet, and the light Palernian. Some persons class them somewhat differently; giving the name of *Gaurum* to the wine made on the tops of the hills, of *Paneticum* to that which is obtained from the middle region, and reserving the appellation of *Palernian* for the lowest growths. It is worthy of remark, that some of the grapes which yield these wines are at all pleasant to the taste.\*

\* With respect to the first of the above-mentioned wines, it is surprising, that, notwithstanding the high commendation of Augustus, the *Setinum* is never once mentioned by Horace, although he has expatiated, with all the fervour of an amateur, on the other first-rate growths of his time. Perhaps he took the liberty of differing from the imperial taste in this particular, as the *Setine* was a delicate light wine, and he seems to have had a predilection for such as were distinguished by their strength. Both Martial and Juvenal, however, make frequent mention of it; and *Silius Italicus* declares it to have been no choice, as to be reserved for *Bacchus* himself, — '*ipse mensis apertus Lymæ*.' *Galen* commends it for its innocuous qualities. It was grown on the heights of *Sezna* (*Mart.* x. 74.), and though not a strong wine, possessed sufficient firmness and permanency to undergo the operation of the fusturium; for we find *Juvenal* (*Sat.* v. 34.) alluding to some which was so old, that the smoke had obliterated the mark of the jar in which it was contained: —

\* *Cujus patriam titulumque amictus  
Delevit smoke veteris fuliginis testis.*\*

The *Carcuban*, on the other hand, is described by *Galen* as wine, but apt to affect the head, and ripening only after a year. In another place, he remarks that the *Bithynian* white was passed with the Romans for *Carcuban*; but that in this it differed, and unfit for drinking. From this analogy we may conjecture, it belonged to the class of rough sweet wines. It was one of *Horace's* favourite wines, of which he speaks, in alluding to the principal vineyard which supplied it, this wine becoming very scarce and valuable; and such persons as were to possess any that dated from the *Opimian* vintage, would exercise extraordinary care (*Mart.* *Ep.* iii. 28. *Hor.* *Carm.* ii. 14.) by *Pliny* (*H. N.* xxiii. 1.), that it was no longer grown, 'grown up,' — and he also alludes to the *Setine* wine as a rarity. The *Fundanus*, which was the produce of the same territory, if, indeed, it was a distinct wine, seems to have partaken of the same characters, being, according to *Galen's* report, strong and full-bodied, and so heady, that it could only be drunk in small quantity.

\* There can be little doubt, that the excellence of these wines is to be attributed chiefly to the loose volcanic soils on which they were produced. Much also depended on the mode of culture; and I am inclined to think, that the great superiority of the growths of the *Palernian* vineyards was, in the first instance, owing to the vines being there trained on *juga*, or low frames formed of poles, instead of being raised on poplars, as was the case in several of the adjacent territories. Afterwards, when the proprietors, in consequence of the increasing demand for their wines, became desirous to augment the quantity, they probably adopted the latter practice, and forcing the vines to a great height, sacrificed the quality of the fruit.

\* No wine has ever acquired such extensive celebrity as the *Palernian*, or more truly merited the name of 'immortal' which *Martial* has conferred upon it (*Ep.* ix. 25. '*Addere quid cessas, puer, immortalæ Palernum?*') All writers agree in describing the *Palernian* wine as very strong and durable, and so rough, in its recent state, that it could not be drunk with pleasure, but required to be kept a great number of years before it was sufficiently mellow. *Horace* even terms it a fiery wine, and calls for water from the spring to



moderate its strength (*Carm.* ii. 11.); and Persius (*Sat.* iii.) applies to it the epithet '*indomitum*,' probably in allusion to its heady quality. From Galen's account, it appears to have been in best condition from the tenth to the twentieth year; afterwards it was apt to contract an unpleasant bitterness; yet we may suppose, that when a good vintage, and especially when preserved in glass bottles, it would keep much longer, without having its flavour impaired. Horace, who was a lover of old wine, proposes, in a well-known ode, to broach an amphora which was coeval with himself, and which, therefore, was probably not less than thirty-three years old; as Torquatus Manlius was consul in the 689th year A.U.C., and Corvinus, in honour of whom the wine was to be drawn, did not obtain the consulate till the year 723. As he bestows the highest commendation on this sample, ascribing to it all the virtues of the choicest vintages, and pronouncing it truly worthy to be produced on so happy a day, we must believe it to have been really of excellent quality. In general, however, it probably suffered more or less from the mode in which it was kept; and those whose taste was not perverted by the rage for high-dried wines, preferred it in its middle state [*Cf. Cic. Brut.* 83.]. Among our present wines, I have no hesitation in fixing upon those of Xeres and Madeira, as the two to which the Falernian offers the most distinct features of resemblance.

"The Surrentine wines, which were of the produce of the Aminean grapes, were, in like manner, of very durable quality — '*Firmissima vina*,' as Virgil designates them; and, on account of their lightness and wholesomeness, were much commended for the use of convalescents. They are stated by Pliny to have been grown only in vineyards; and consequently the vines which yielded them could not have been high trained. As the soils of the Campania of Rome partake of the same nature as the Campania Felix, and present many excellent exposures for the vine, some good wines were there produced, but none of them equal in quality to those which we have just been reviewing. The Albanum, which grew upon the hills that rise to the south, in view of the city, is ranked by Pliny only as a third-rate wine; but, from the frequent commendation of it by Juvenal (xiii. 24.) and Horace (*Carm.* iv. 11.), we must suppose it to have been in considerable repute, especially when matured by long keeping. It was sweet and thick when new, but became dry when old, seldom ripening properly before the fifteenth year. The wine of Labici occupied the middle station between the Falernian and the Alban. The Signinum, on the other hand, is said to have been so rough and astringent, that it was chiefly used as a medicine. All these were apparently white wines.

"Among the lighter growths of the Roman territory, the Sabinum, Nomentanum, and Venafranum, were among the most agreeable. The first seems to have been a thin table wine, of a reddish colour, attaining its maturity in seven years. The Nomentan, however, which was also a delicate claret wine, but of a fuller body, is described as coming to perfection in five or six years. The wine of Spoletum, again, which was distinguished by its bright golden colour, was light and pleasant.

"In the arrangement of Pliny, a fourth class of wines was formed by the Sicilian vintages. Of these, the Mamertinum, which came from the neighbourhood of Messina, and is said to have been first introduced by Julius Cæsar, was a light and slightly astringent wine; but the wines of Tauromenium, being of a similar quality, were often substituted for it. The Pollium, or Pollæum, of Syracuse, which was of the sweet class, is noticed by several authors as a first-rate wine, being the produce of a particular grape called *biblia*, probably so called from the town of Bibliæ, in Thrace. Of the wines of the south-western part of the island, whence the best growths are now supplied, I have not perceived any mention." — *Henderson on Wines*, ch. vi.



## APPENDIX TO PAGE 496.

*Population of Italy.*

"THE population of Italy under Augustus, for it continued to decline rapidly for several ages afterwards, cannot easily be ascertained ; it has been stated by some writers to have amounted to 36,000,000. I am inclined to suspect that this calculation is considerably exaggerated. We learn from Strabo (lib. v.), that, at the period of which we are speaking, several ancient towns in Italy, and particularly in *Samnium*, had either entirely disappeared, or had dwindled into villages. The labours of agriculture were then carried on principally by slaves — a mode which cannot be considered as favourable to population. To this we may add, that the civil and social wars which had succeeded each other with such rapidity and such devastation, previous to Augustus's final establishment, had occasioned a diminution in population not to be replaced by the tranquillity of the latter years of that emperor's reign.\* Moreover, the laws passed by that prince for the encouragement of matrimony, would never have occurred to a legislator in a country abounding in population ; as the remedy is never called for, till the effects of the distemper are felt. The number of colonies, amounting to eight and twenty (*Suet. Aug.* 46.), which he established in different parts of Italy, may be considered as an evidence of depopulation, as, excepting the confiscations of the triumvirate, a prince who, like Augustus, affected to govern with justice and even with clemency, could not be supposed to make room for colonies by the dispossession of the original and inoffensive proprietors. The poetic complaints of Virgil (*Geor.* i. 506., *squalent abductis arva colonis*) refer to the same evil, and, considering the accuracy of the author, may be admitted as satisfactory proofs of its reality. In fine, the eloquent lamentations of Lucan (vii. 397.) prove that in his time, though no civil war or interior calamity had intervened, the very vicinity of the Capitol itself was very thinly inhabited ; an evil which he poetically ascribes to one single battle in the contest which he celebrates." — *Eustace*, iv. p. 331.

On the population of Rome at different periods, see *Burton's Antiq.* i. p. 60—71.

## APPENDIX TO PAGE 497.

*Eras in Roman Architecture.*

"WE may divide the history of Rome into five eras, the boundaries of which are strongly marked.

\* The social war, or that between the Romans and the Italian tribes, the civil war between Marius and Sylla, between Cæsar and Pompey, between the Triumvirs and the Conspirators, and in fine, that between Augustus and Antony, all took place between the year of Rome 663 and 724, i. e. in about 70 years. The first was confined to Italy, and probably contributed more to its devastation than any contest recorded in its history, not excepting even the invasion of Annibal. *Nec Annibalis nec Pyrrhi fuit tanta vastitas*, says Florus. This sanguinary contest terminated in the total destruction of some of the most ancient nations, and not a few of the most populous cities in Italy. To these we may add the Servile war, and the insurrections of Spartacus, of Sertorius, and of Catiline ; all of which were civil struggles that caused the effusion of much blood, and the devastation of considerable tracts of country. When to these active and visible causes of depopulation, we add the silent but most effectual agent of all—a general spirit of libertinism and of debauched celibacy, so prevalent among the Romans in the era of Augustus—we shall find sufficient reasons to question the great population of Italy at that period.

"The first era commences with the kings, includes the infancy of the republic, and may be considered as extending to the destruction of the city by the Gauls, (A. U. C. 365). The architecture of this period was entirely Etruscan, and its characteristic qualities were solidity and grandeur, in both which instances it resembled the Egyptian, with less gigantic but more graceful forms. The principal edifices of this age were constructed by the kings, and prove that the foundations of Roman taste and Roman greatness were laid at the same time. Of these early monuments, that seem formed for eternal duration, the principal, the Cloaca Maxima, still remains, and some massy traces of the foundation of the Capitol laid by Tarquinius Superbus may be seen under the palace of the Senator. It is to be observed, that these edifices were all of public utility, or rather necessity, and that their magnificence was the result and not the object of their destination.

"The second era commences with the restoration of the city, and extends to the fall of the commonwealth. Public utility was still the object, and grandeur still accompanied the progress of the art. The celebrated roads, and more celebrated aqueducts, were its first productions, and even now continue its noblest monuments. A few tombs, simple and solid, such as that of Caius Publicius erected at the public expense, and that of the Scipios lately discovered, with a few temples now disfigured — such, in particular, as that of Fortuna Virilis — attest the same manly taste, though on a smaller scale.

"Towards the termination of this period, the public temper, influenced by the luxuries and the opulence of Asia, then flowing in full tide into the republic, seemed to demand more splendour and ornament, and was gradually prepared for the magnificence and glory of a third era, which opened with the reign of Augustus (A. U. C. 723). As this prince retained himself, and encouraged in others, the simplicity of republican manners, so, like his uncle Julius Cæsar, and the other great popular leaders before him, he was content to inhabit a plain unadorned mansion, while he displayed all his riches and munificence in edifices devoted to public use. (*Suet. Oct.* 72.) Nero was the first who ventured to expend the public treasures in the erection of an imperial residence; and he built that celebrated palace of which Pliny (xxxvi. 15.) relates some wonderful particulars; and which, from the gold that shone in such profusion on every side, was called *Domus aurea*.\* His example, however, was deemed opposite to the civic character affected by the earlier emperors, who, as Tacitus judiciously observes, satisfied with the reality, avoided the parade of power. Hence Vespasian ordered the *Domus aurea* to be destroyed; and he and his immediate successors, Titus and Domitian, erected on its site various edifices of less costliness, perhaps, but of equal magnificence and greater utility; such as the temple of Peace, the *Thermæ* called by the name of Titus, and the Flavian amphitheatre, or *Coliseum*, &c. Forums, porticos, thermæ, triumphal arches, and mausoleums, still continued the favourite objects of imperial pride and expense, and Rome daily increased in beauty for the space of 300 years, till the empire was divided under Diocletian; when the seat of the sovereign was translated to the East, and the capital of the world was abandoned to hostile attacks and rapacity.

"The most remarkable edifices erected during the fourth long era, first of

\* Suetonius (*Ner.* 31.) gives some curious details of this enormous edifice. In the vestibule stood a colossal statue of Nero, 120 feet in height; there were three porticos, each a mile in length, and supported by three rows of pillars; the garden seems to have resembled a park, and contained an immense piece of water, woods, vineyards, and pasture-ground, herds, and even wild beasts. On the banks of the lake rose various edifices that resembled towns. In the palace itself, the rooms were lined with gold, gems, and mother-of-pearl. The ceilings of the dining-rooms were adorned with ivory panels, so contrived as to scatter flowers and shower perfumes on the guests. The principal banqueting room revolved upon itself, representing the motions of the heavens; the baths were supplied with salt water from the sea, and mineral water from the *Albula* (now *Salfatara*) near *Tibur*.

declining taste, and then of barbarism, were the churches, the principal of which were raised by Constantine and the Christian emperors, on the model, and oftentimes with the very materials, of the ancient Basilicæ.

"At length a happier period succeeded in the fifth era; the arts and sciences smiled oncemore upon their ancient seat, and architects of high name and reputation succeeded each other, whose exertions were called forth and rewarded by the authority and munificence of pontiffs." — *Eustace*, iii. p. 215.

"We might mention four successive periods, in each of which the city must have assumed a different appearance from what it did in the age succeeding. — 1. From the foundation to the burning of Rome by the Gauls, U. C. 365. 2. From 365 to 723, when the reign of Augustus commenced. 3. From 723 to 817 (or A. D. 64), when the city was burnt in the time of Nero; when, out of the fourteen regions into which it was divided, only four remained untouched, three were entirely consumed, and seven survived in part. 4. From A. D. 64 to 546 (U. C. 1300), when Totila entered it, as Alaric and Genseric had done before him." — *Burton's Antiq.* i. p. 18.

## APPENDIX TO PAGE 514.

### *Limits of the Empire and Provinces.*

In proceeding to enumerate the different provinces of the Empire, we may divide them, for the sake of convenience, into two parts, the Eastern and the Western.

1. On the western extremity of the Empire and of the ancient world was situated Spain, which, in every age, has invariably preserved the same limits; the Pyrenean Mountains, the Mediterranean and the Atlantic Ocean. That great peninsula was distributed by Augustus into three provinces; *Lusitania*, *Bætica*, and *Tarraconensis*. The kingdom of Portugal corresponds with ancient *Lusitania*; the confines of Grenada and Andalusia with those of *Bætica*; and the remainder of Spain — Galicia and the Asturias, Biscay and Navarre, Leon and the two Castilles, Murcia, Valencia, Catalonia, and Arragon — was styled the province of *Tarragona*, from the name of its capital. 2. Contiguous to Spain lay ancient Gaul, which was of greater extent than modern France, as it contained the whole country between the Pyrenees, the Alps, the Rhine, and the Ocean. To the dominions of that powerful monarchy we must add the duchy of Savoy, the cantons of Switzerland, the four electorates of the Rhine, and the territories of Liege, Luxemburg, Hainault, Flanders, and Brabant. In the reign of the Antonines, it was divided into six provinces: the Narbonnese, Aquitaine, the Celtic or Lyonnese, the Belgic, and the two Germanies, which formed the Gallic frontier of the Rhine, extending from Basil to Leyden. 3. On the opposite shore lay the province of Britain, which comprehended all England, Wales, and the Lowlands of Scotland as far as the Friths of Dunbarton and Edinburgh. Thus the ancient Britons constituted the western division of the European provinces, which extended from the columns of Hercules to the walls of Antoninus, and from the mouth of the Tagus to the source of the Rhine and the Danube. 4. As Italy was the original theatre of the Roman conquests, the independent kingdoms which it contained fell successive victims to the ambition of the conquerors. Lombardy was anciently occupied by a powerful body of Gauls, who had settled themselves along the Po, from Piedmont to Romagna. The Ligurians dwelt on the rocky coast which formed the modern republic of Genoa. The territories of Venice were occupied by the Veneti. The duchy of Tuscany and the Ecclesiastical State was the ancient seat of the Etruscans and Umbrians. The country of the Sabines, the Latins, and the Volsci, from the river Tyber to the frontiers of Naples, was the arena of her infant victories. Capua and Campania possessed the immediate territory of Naples. The rest

of the kingdom was inhabited by the Marsi, the Samnites, the Apulians, the Lucanians, and flourishing colonies of the Greeks along the sea-coast. The little province of Istria was annexed to Italy, when Augustus divided it into eleven regions. 5. The European provinces of Rome were protected by the course of the Rhine and the Danube. The provinces of the Danube soon acquired the general appellation of Illyricum, or the Illyrian Frontier, but they deserve to be more particularly considered under the names of Rhætia, Noricum, Pannonia, Dalmatia, Dacia, Mœsia, Thrace, Macedonia, and Greece. The province of Rhætia extended from the summit of the Alps to the banks of the Danube. The greatest part of the flat country is subject to the elector of Bavaria. The city of Augsburg is protected by the Germanic constitution; the Grisons are safe in their mountains; and the country of Tyrol is one of the appendages to the house of Austria. 6. Noricum and Pannonia are known to the moderns under the names of Austria Proper, Styria, Carinthia, Carniola, the Lower Hungary, and Sclavonia. If we except Bohemia, Moravia, the northern skirts of Austria, and a part of Hungary between the Teyss and the Danube, the other dominions of the house of Austria were comprised within the limits of the Roman Empire. 7. Dalmatia is a long and narrow tract between the Save and the Adriatic, comprising what was formerly the Venetian Dalmatia, with the territories of Ragusa and Cattaro, whilst the inland parts have assumed the names of Croatia and Bosnia. 8. The Danube formerly divided Mœsia and Dacia. On the left, Temeswar and Moldavia acknowledge the supremacy of the Ottoman Porte; on the right, Mœsia has been broken into the kingdoms of Bulgaria and Servia, trammelled with Turkish slavery. Thrace, Macedonia, and Greece present themselves under the appellation of Roumelia. Thrace extended from the mountains of Hæmus and Rhodope to the Bosphorus and the Hellespont; the limits of Greece need not be specified; and the kingdom of Macedonia, with its dependencies of Epirus and Thessaly, reached from the Ægean to the Ionian Sea.—From the delineation of the *Western* part of the Empire, we shall now proceed to that of the *Eastern*.

1. The name of Asia Minor is attributed, with some degree of propriety, to the peninsula which is confined betwixt the Euxine and the Mediterranean; though that part of it situated westward of Mount Taurus and the river Halys was dignified by the Romans with the exclusive title of Asia. This province included the ancient monarchies of Troy, Lydia, and Phrygia; the maritime countries of the Pamphylians, Lycians, and Carians; and the Grecian colonies of Ionia. The kingdoms of Bithynia and Pontus possessed the northern side of the peninsula, from Constantinople to Trebizond. On the opposite side, the province of Cilicia was terminated by the Syrian mountains; and the inland country, separated from the Roman Asia by the river Halys, and from Armenia by the Euphrates, had once formed the kingdom of Cappadocia. Budzak, Crim Tartary, Circassia, and Mingrelia acknowledged the sovereignty of the Roman emperors. 2. Syria formed the eastern frontier of the Empire, being bounded on the north by the Cappadocian Mountains, and on the south by the confines of Egypt and the Red Sea. 3. Phœnicia was a narrow and rocky coast, and Palestine was scarcely superior to Wales either in fertility or extent. 4. Whenever the Arabs ventured to form any settled habitations, they soon became subject to the Roman Empire. 5. The celebrated kingdom of Egypt is included within the immense peninsula of Africa, but is accessible only on the side of Asia. Cyrene, situated towards the west and along the sea-coast, was first a Greek colony, afterwards a province of Egypt, and is now lost in the desert of Barca. The republic of Carthage is now degenerated into the disorderly states of Tripoli and Tunis. Algiers corresponds with ancient Numidia, as it existed under Massinissa and Jugurtha, and Mauritania is represented by the modern kingdom of Fez. 7. The whole extent of the Mediterranean Sea, its coasts, and its islands, were comprised within the Roman dominions. Amongst these may be mentioned the islands

of Majorca and Minorca, Corsica, Sardinia, Sicily, Candia, Cyprus, and the little rock of Malta.—(Condensed from *Gibbon's Decline and Fall of the Roman Empire*, vol. i. c. 1.)

“ This long enumeration of provinces,” says Gibbon, “ whose broken fragments have formed so many powerful kingdoms, might almost induce us to forgive the vanity or ignorance of the ancients. Dazzled with the extensive sway, the irresistible strength, and the real or affected moderation, of the emperors, they permitted themselves to despise, and sometimes to forget, the outlying countries which had been left in the enjoyment of a barbarous independence; and they gradually assumed the licence of confounding the Roman monarchy with the globe of the earth. But the temper as well as knowledge of the modern historian require a more sober and accurate language. He may impress a juster idea of the greatness of Rome, by observing, that the empire was above 2000 miles in breadth, from the wall of Antoninus and the northern limits of Dacia to Mount Atlas and the Tropic of Cancer; that it extended in length more than 3000 miles, from the Western Ocean to the Euphrates; that it was situated in the finest part of the temperate zone, between the twenty-fourth and fifty-sixth degrees; that it was supposed to contain above 1,600,000 square miles, for the most part fertile and well cultivated land; and, as far as we can gather from ancient sources, it contained a population of about 120,000,000.”

# LATIN INDEX

OF

## WORDS AND PHRASES.

- A** a ovo usque ad mala, 388.  
**Abacus**, 451. *n.*  
**Abalienatio**, 52.  
**Abdicunt** *v.* **refragantur** *aves*, 83.  
**Abjudicare libertatem**, 76.  
**Ablecti**, 322.  
**Acapna ligna**, 462.  
**Accensi**, 101. 113. 159. 318.  
**Acceptilatio**, 441.  
**Acceptum referre**, *ferre*, 441.  
**Accusare**, 224.  
**Acerra** *v.* **thuribulum**, 280.  
**Acetaria**, 468.  
**Accingere se operi**, *ad opus*, 357.  
**Accire** *v.* **excire Romam**, 102.  
**Aciem erigere**, 330. *n.*  
 — **instruere**, **sequare**, **explicare** — **commissam**, 330.  
**Acies instructa**, **simplex**, 329.  
 — **directa**, **sinuata**, **gibbera**, **flexa**, 333.  
 — **post primas**, 330.  
**Acroamata**, 310. 392.  
**Acrostichis**, 262.  
**Acta diurna** — **diurna urbis** — **Cæsaris** — **populi** — **publica** *v.* **commentarios senatûs conficere**, 16.  
 — **in tabulas referre**, 113.  
**Actio in rem** — **in personam** — **prætoria** — **institoria**, 201.  
 — **exercitoria** — **tributoria**, 207.  
 — **noxalis** — **pœnalis** — **ingrati** — **bonæ fidei**, 209.  
**Actio sepulchri violati**, 430.  
 — **confessoria et negatoria**, 204.  
 — **vi bonorum raptorum** — **damni injuriâ**, 208.  
 — **de emptione et venditione** — **de locatione et conductione** — **de mandato** — **de societate** — **de deposito apud sequestrem** — **de commodato** *v.* **mutuo** — **de hypothecâ** *v.* **pignore** — **de dote** *v.* **re uxoriâ** — **de stipulatione**, 204.  
 — **præscriptis verbis** — **incerta** *v.* **incerti**, 206.  
 — **de peculio** — **de in rem verso** — **jussu** — **de furto**, **damno**, **rapinâ**, **injuriâ**, 207.  
 — **furti oblati** — **furti prohibiti et non exhibiti**, 208.  
 — **malæ tractationis**, 201.  
**Actionem** *v.* **judicium dare**, **edere et postulare**, 199.  
 — **intendere**, 82. 201.  
 — **et judices dare**, 110.  
**Actiones empti**, 206.  
 — **legis**, 165.  
 — **rei persecutoriæ** — **arbitrariæ** *v.* **bonæ fidei** — **mixtæ** — **stricti juris**, 209.  
**Actor** *v.* **petitor**, 198.  
 — **publicus**, 226.  
**Actores primarum partium**, **secundarum**, &c., 311.  
**Actuarii** *v.* **notarii**, 157.  
**Actum est** — **acta est res** — **actum agere**, 216.  
**Actus**, 51. 444. 472.  
**Actus legitimi**, 165.  
**Acuminibus**, *ex*, 255.  
**Addicere bona** *v.* **damna**, 110.  
 — **debitores**, 44.  
 — **servum**, 201.  
**Addictus**, 44.  
**Addicunt** *v.* **admittunt** *aves*, 83.  
**Adimere equum**, 24.  
 — **claves**, 413.  
**Adire**, **adiri**, 198. 262.  
**Adjudicatio**, 54.  
**Admissionales**, 462.  
**Admissionis primæ** *v.* **secundæ amici** — **admissiones ex officio**, 461.  
**Admissionum Magister**, 461.  
**Adolescens**, 25.  
**Adolescentulus**, 25.  
**Adoptio**, 48.  
**Adoratio**, 274.  
**Adorea**, 474.  
**Adoreâ aliquem efficere**, 474.  
**Adrogatio**, 48.  
**Adscendere in concionem**, 110.  
**Adscribi**, 252.  
**Adscriptitii** *v.* **glebæ adscripti**, 37.  
**Adversaria**, 228. 449.  
**Advocati**, 224.  
**Advocationes**, 167.  
**Advocationibus interdici**, 231.  
**Adytum**, 279.  
**Ædes**, 51.  
**Ædiles plebei et Curules**, 128.  
 — **Cereales**, 130.  
**Ædilitii**, 11. 109.  
**Æditui**, 273.  
**Ælia lex**, 172. *n.*



**Æneatores**, 386.  
**Æquus**—ex æquo et bono, 140. 163.  
**Ærarii**, 60. n.  
**Ærarium**, 132.  
 — facere v. inter ærarios referre, 116.  
**Æratus homo**, 432.  
**Ære fixo**, legum æra, 89.  
 — dirutus, 340.  
**Æs alienum**—æra vetera—æs circumforaneum, 432.  
 — militare, 116. n.  
 — rude, 431.  
 — grave, 433. n.  
 — uxorium, 118.  
 — per, et libram, 47.  
 — equestre — bordearium, 22. n.  
**Æsculapius**, 240.  
**Æstimatio** (ἀνέριμνησις), 76.  
 — litis, 181.  
**Ætas Senatoria**, 5.  
 — Quæstoria, 133.  
 — Consularis, 107.  
**Agāso** v. agitator, 483.  
**Ager**, 51.  
 — centenarius, 76.  
 — scriptuarius, 61.  
**Agere cum populo**, 73.  
 — Tribunis, 17.  
 — forum v. conventus, 145.  
 — actum, 216.  
 — lege, 165.  
 — lege in aliquem, 159.  
**Agger**, 344.  
**Agitatores** v. aurigæ, 295. 490.  
**Agmen pilatum** — quadratum, 327.  
 — longum, 327. n.  
**Agnati**, 28. 46.  
**Agnomen**, 30.  
**Agonales**, 268.  
**Agonalia**, 287.  
**Agraria Lex**, 182. n.  
**Ala** v. justus equitatus, 317. 329.  
**Alapa** — multo majoris alæpæ mecum veneunt, 88.  
**Alba Longa**, 1.  
**Albatus**, 358.  
**Album**, 110. 195.  
 — senatorium, 7.  
 — in vestimentum addere, 81.  
 — in, efferre v. potius referre, 252.  
**Alea**, 408.  
**Aleatores**, 403.

**Alio die**, 84.  
**Alites** v. præpetes, 256.  
**Aliptæ**, 286.  
**Alligati**, 227.  
**Allectus** inter Prætorios, 109.  
**Alteris comitiis**, 26.  
**Alternis imperitabant**, 101.  
**Alûta**, 366.  
**Alvei**, 347.  
**Amanuensis**, 454.  
**Ambarvales Fratres**—Ambarvalis hostia, 264.  
**Ambitus**, 81.  
**Ambulacra** v. ambulationes, 383.  
**Amenta**, 365.  
**Amphitheatrum**, 301.  
**Amphora**, 444.  
**Amphoræ**, 399.  
**Ampliata est causa**, 229.  
**Ampliatio**, 230.  
**Amplius**, 230.  
**Ampulla**, 386.  
**Anagnostæ**, 391.  
**Anatocismus**, 440.  
**Anchora**, 352.  
**Ancile**, 239.  
**Anciliorum festum**, 288.  
**Ancipitia munimenta**, 344.  
**Ancla**, 488.  
**Andabatæ**, 301.  
**Angiportus**, 51.  
**Angustus clavus** v. tunica angusticlavia, 23.  
**Animadvertere**, 102. 158.  
**Animadversio Censoria** v. Judicium Censoris, 119.  
**Anima** — animam agere, dare, efflare, 414.  
**Annales Maximi**, 252.  
**Annos deferre** v. censeri, 117.  
 — remittere, 98.  
**Anno suo**, 107.  
**Annua**, 37.  
**Annuuli**, 372.  
**Annulo aureo donari**, 23.  
**Annulus signatorius**, 373.  
 — pronubus, 374.  
**Anquirere** — cum aliquis capitis (vel capite) anquireretur, 82.  
**Anquisitio**, 219.  
**Ansæ** v. nasi, 401.  
**Antæ**, 457.  
**Anteambulones**, 176. 392.  
**Antennæ**, 351.  
**Antepagmenta**, 457.  
**Anteros**, 238.  
**Antes**, 480.  
**Antesignani**, 331.

**Antestari**, 198.  
**Antestatus**, 48.  
**Anthæ**, 488.  
**Anticum**, 258. 459.  
**Antiquare legem**, 87.  
**Antistites**, 269.  
**Antlia**, 350. 488.  
**Aperire annum**, 102.  
**Apex**, 266.  
 — iratos tremere regum apices — apex senectutis est auctoritas, 253.  
**Aplustre**, 350.  
**Apodyterium**, 386.  
**Apollo**, 240.  
**Apophorëta**, 55. 404. 411.  
**Apotheca**, 454.  
**Apparitio**, 156.  
**Apparitores**, 113.  
**Appellare** v. auxilium implorare, 120.  
**Appellatio**, 217.  
**Applicare se alicui**, 72.  
**Applicationis jura**, 72.  
**Aqua**, see Clepsydra.  
**Aquæductus**, 51. 507.  
**Aquarii**, 507.  
**Aquila** — aquilæ præesse, 321. n.  
**Ara et altare**, 279.  
 — sepulchri, 423.  
 — maxima, 245. n.  
**Arare tenui sulco**, 474.  
**Aratores** 470.  
**Aratrum**, 471.  
**Arbiter**, 210.  
 — bibendi, 402.  
**Arbitrio**, in, rei uxoriæ, 210.  
**Arbitrium**, 416.  
 — pronunciare, 216.  
**Arbitrum adigere**, 210.  
**Arbores cædus**, 480.  
**Arcera**, 487.  
**Arcessebantur senatores**, 8.  
**Archigallus**, 270.  
**Archimimus**, 419.  
**Arcturus**, 488.  
**Arcuatum opus**, 507. n.  
**Arcus triumphales**, 506.  
**Area**, 476.  
 — et ager, 51.  
**Arena**, 302.  
**Argei**, 290. n.  
**Argentarii**, 441.  
**Argentum**, 436.  
 — multatitium, 131.  
 — pustulatum, infectum v. rude, factum, signatum, 436.  
**Aries**, 345.

- Arma colligere**, 351.  
 — conclamatum est, ad, 332.  
 — et tela, 319.  
**Armamenta**, 351.  
**Armaria**, 456.  
**Armentarii**, 299. *n.*  
**Armillæ**, 370.  
**Aromata**, 387.  
**Arrha** *v.* **Arrhabo**, 205.  
**Arrogatio**, 48.  
**Arundo**, 448. 460.  
**Aruspices**, 261.  
**Arvales fratres**, 264.  
**Arvum**, 471.  
**Arx**, 83. 257. 498.  
**As**, 493.  
**Ascripti glebæ**, 37.  
**Asserere in servitutem** — manu liberali causa, 202.  
**Asseres**, 484.  
**Assertor**, 202.  
**Assessores**, 112. 146. 222.  
**Assiduus**, 469.  
**Astipulator** — astipulari irato consuli, 205.  
**Astrea**, 242.  
**Astrolōgi**, 259.  
**Asylum**, 41. 498.  
**Asymbolus**, 374.  
**Athenæum**, 499.  
**Athletæ**, 297, 298.  
**Atrati**, 359.  
**Atria auctionaria**, 54.  
**Atriensis**, 391.  
**Atrium** *v.* **aula**, 459.  
 — regium, 254.  
 — Vestæ, 272.  
**Attalicæ Vestes**, 461.  
**Auctio**, 53.  
**Auctionem conclamare** *v.* prædicare, 157.  
 — proferre, 54.  
 — vendere, 54.  
**Auctor**, 203.  
 — legis, 82.  
 — sententiæ, 15.  
**Auctoramentum**, 300.  
**Auctore emere, a malo**, 54.  
**Auctores juris** (*v.* conditores), 166.  
**Auctoritas**, 54. 195. 196. *n.*  
 — et potestas, 103.  
 — patrum, 75. *n.*  
 — Senatus, 12.  
**Auctoritates præscriptæ**, 15.  
**Auditores**, 168.  
**Augur Apollo**, 254.  
**Auguralia ornamenta**, 257.  
**Augure verba præeunte**, 84.  
**Augurem adhibere**, 83.  
**Augures**, 254.  
**Auguriis legere**, 255.  
**Augurio acto** *v.* **capto**, 254.  
 — nunciato *v.* decantato, 255.  
**Augurium et Auspicium** — **Augurium Salutis**, 255.  
 — impetrativum *v.* optatum, 258.  
**Augurum solennis pronuntiatio**, 83.  
**Augustum privilegium**, 22.  
**Augustus**, 151.  
**Aulæa Attalica**, 312. 381.  
**Aulæum**, 312. 381.  
**Auræ**, 248.  
**Aureus**, 435.  
**Auriculam opponere**, 198.  
**Auriga** — **Aurigare** — **Aurigarius**, 490.  
**Auspicari munus**, 104.  
**Auspicata**, 83.  
**Auspices nuptiarum** *v.* **Proxenætæ** — cæptorum operum — **Diis auspibus** — **auspice Musæ**, 255.  
**Auspicia habere**, 105.  
 — **Augusta** — **auspiciis salvis** — in auspicio esse, 83.  
**Auspicio consulis et ductu legati**, 322.  
**Autographus**, 450.  
**Auxiliares** *v.* **auxilia**, 317.  
**Avena**, 475.  
**Aventinus Mons**, 493.  
**Averruncus**, mala averruncare, 247.  
**Aversionem navem conducere**, per, 207.  
**Aversus** — in chartâ **aversâ**, 449.  
**Axamenta** *v.* **assamenta**, 267.  
**Axis**, 488. **Sub ætheris axe**, 488.  
**Bacchæ, Thyades, Mæ-nædes**, 243.  
**Bacchanalia**, 243. *n.*  
**Bacchus**, 243.  
**Balistæ**, 344.  
**Balneum, balneator**, 382. 386.  
**Balteus**, 304. *n.*  
**Barbati** — **barbam ponere**, 374.  
 — promittere, 375.  
**Basilica**, 113.  
**Basilicæ**, 503.  
**Bassareus**, 243. *n.*  
**Bastarna**, 484.  
**Batillum**, 476.  
**Batuere os**, 366.  
**Bellaria**, 390.  
**Bellona**, 239.  
**Bene agi et sine fraudatione**, 210.  
 — **mihi** — **bene vobis**, 401.  
**Beneficia**, 21.  
**Beneficarii**, 325.  
**Bibere Græco more**, 401.  
**Bibliopōla**, 451. *n.*  
**Bibliotheca**, 455.  
**Biblos**, 447.  
**Biclinium**, 380.  
**Bidental**, 447.  
**Biforis** — **biforem dat tibia cantum**, 310.  
**Bigæ** — **bijuge curriculum**, 485.  
**Bigati nummi**, 434.  
**Bissextilis**, 286.  
**Boæ**, 292.  
**Bolis**, 352.  
**Bombÿces**, 371.  
**Bona gratia**, 413.  
 — **suspensa**, 54.  
 — **vacantia**, 72.  
**Bonitarii**, 55.  
**Bonum factum**, 111.  
**Boötes** *v.* **bubulcus**, 487.  
**Braccæ**, 357.  
**Brachia** *v.* **Cornua**, 355.  
**Buccina** — **ad tertiam buccinam**, 326.  
**Bulë, Buleutæ, Buleutorion**, 71.  
**Bulla aurea**, 360.  
**Bustuarii**, 424.  
**Bustum**, 423.  
**Caballus** *v.* **Cantherius**, 482.  
**Cadere, exhibitari**, 308.  
**Caduceus**, 240.  
**Caducum**, 187. *n.*  
**Cæremoniæ**, 249. *n.*  
**Cæritum tabulæ** — in tabulas, vel inter Cæritas referri, 116.  
**Cæsa et porrecta**, inter 278.  
**Caius et -a**, 410.  
**Calamistratus homo**, 368.  
**Calamus**, 448.  
**Calcar**, 489.  
**Calcaria addere, subdere**, 490.  
**Calcei repandi**, 366.  
**Calceos mutare**, 7.  
**Calceus**, 365.

- Calculi, 403. 451.  
 Calculos ponere *v.* movere, 451. *n.*  
 Calculum deterius re-  
 portare, errori album  
 calculum adjicere, 229.  
 ——— detrudere, re-  
 ducere, &c., 451. *n.*  
 Calculus Minervæ, 229.  
 Caldarium, 385.  
 Calendæ, 283.  
 Calendarium, 442.  
 Calices pteroti, 401.  
 Caliendrum altum, 368.  
 Caligæ, 366.  
 Calones, 324.  
 Calumnia, 185. *n.*  
 Calumniæ actorem postu-  
 lare, 216.  
 Calumniam ferre, 216.  
 ——— jurare, 214. 224.  
 Calumniatores, 223.  
 Camaræ, 350.  
 Camilli et — æ, 273.  
 Camili, 462.  
 Campestre — Campestrati,  
 297.  
 Campestris gratia, 82.  
 Campi nota, 502.  
 Campidoctores, 327. *n.*  
 Campus Martius — venalis,  
 502.  
 ——— sceleratus, 272.  
 Candidati, 81.  
 Candidatus Cæsaris, 133.  
 Canes *v.* Caniculæ, 402.  
 Canon frumentarius, 67.  
 Cantherium, 480.  
 Canticum agere, 306.  
 Capere præturam alicui, 82.  
 ——— Virginem Vestalem,  
 &c., 270.  
 Capillamentum, 376.  
 Capillati, 375.  
 Capis, -Idia, Capedo *v.*  
 Capeduncula, 280.  
 Capistro vitem constrin-  
 gere, 490.  
 Capistrum, 490.  
 Capitalia judicia, 232.  
 Capite censi, 78. 91.  
 Capitis anquiri, 82.  
 ——— minor, 65.  
 ——— periculum adire,  
 218.  
 ——— causam *v.* pro ca-  
 pite dicere, 218.  
 Capitolium, 497.  
 Capsa et -arius, 450.  
 Captare omina, 258.  
 Capulus et -aris, 418.  
 Caput, 88. 440.  
 Caput extorum, 277.  
 ——— porcinum, 393.  
 ——— *v.* epistylum, 504.  
 ——— *v.* sora, 440.  
 Carbasa *v.* lintea, 347.  
 Carcer, 232.  
 Carceres, 294.  
 Carceribus ad metam, *a.*,  
 295.  
 Cardinales venti, 482.  
 Cardines, 488.  
 Carenum, 398.  
 Carmen, 142. 203.  
 ——— pontificale, 251.  
 ——— præfari, 251.  
 Carmentalia, 287.  
 Carnifex, ad carnificem  
 trahere *v.* tradere, 159,  
 160.  
 Carpentum, 486.  
 Carruca, 486.  
 Carrus *v.* Sarracum *v.*  
 Epirrhedum, 487.  
 Castella, 384.  
 Castor et Pollux, 246.  
 Castra æstiva, 323.  
 ——— hiberna, 323.  
 ——— lecticariorum, 484.  
 ——— movere, 327.  
 ——— stativa, 323.  
 Cataphracti *v.* loricati, 320.  
 Catapultæ, 344.  
 Catasta, 32. *n.*  
 Cathedra longa, 11.  
 Caudicarum naves, 347.  
 Caupones et -æ, 511.  
 Causa paucorum calcu-  
 lorum, 229.  
 ——— sontica, 201.  
 Causæ coniectio, 214.  
 Causarii, 315.  
 Cave canem, 458.  
 Cavea, 83. 311.  
 ——— prima *v.* ima, 312.  
 Cavere sibi, 201.  
 Celeres, 22.  
 Cenotaphium, 414.  
 Censa sunt civium capita,  
 23. *n.*  
 Censere, 14.  
 ——— amplius, 14.  
 ——— bona, 76.  
 ——— honore *v.* in ho-  
 norem principis, 109.  
 Censi, 65. 194.  
 Censio hastaria, 340.  
 Censor et Censura, 115.  
 Censores, 115.  
 Censoria subscriptio —  
 Censoriæ leges *v.* tabulæ,  
 117.  
 Censum habere, agere —  
 censui ascribere—in cen-  
 sum deferre — censere  
 ævitæ, soboles, &c. —  
 Census brevis — breves  
 extendere census, 117.  
 Census, 75, 76. *n.*  
 ——— capitis, 67. 78.  
 ——— equestria, 28. 117.  
 ——— senatoria, 7.  
 ——— soli, 67.  
 Censûs in corpore, 55. *n.*  
 Centenarii, 149.  
 Centesima, 62.  
 Centumvires causæ, 211.  
 Centumviri, 133, 134. 211.  
 Centuria, 469.  
 ——— prærogativa, 85.  
 Centuriæ jure vocatæ, 85.  
 ——— primò vocatæ, 85.  
 Centuriam perdere, 88.  
 Centurio primi pili, &c.,  
 321.  
 ——— prior et posterior,  
 321.  
 Centuriones, 320.  
 Cera prima et extrema, 56.  
 Cera, 28. 56.  
 Cerasus, 478.  
 Cerberus, 248.  
 Cercûrus, 349.  
 Cerealia, 289.  
 Ceres, 236.  
 Cerôma, 297.  
 Cerriti *v.* Ceriti, 260.  
 Certatio mulctæ *v.* pœnæ,  
 219.  
 Certo carmine, 346.  
 Cervi et Cippi, 344.  
 Cervical, 483.  
 Cessio bonorum, 188. *n.*  
 ——— jure, 53.  
 Charon, 248.  
 Charonitæ, 38.  
 Charta Augusta — Claudia,  
 — dentata — macrocolla,  
 &c. 447.  
 Chiramaxium, 485.  
 Chirodôtæ *v.* tunicæ ma-  
 nicatæ, 362.  
 Chirogrāphus, 450.  
 Chironômi, 310.  
 Chironomontes, 391.  
 Chirothécæ *v.* manicæ, 367.  
 Chlamys, 322.  
 Choragium, 309.  
 Choragus *v.* Coryphæus,  
 309.  
 Chorus, 309.  
 Cicatrix, 480.  
 Cinctus Gabinus, 69.  
 Cingulum *v.* zona, 362.  
 Ciniflones, 368.

- Cippus *v.* robur, 35. *n.* 422.  
 Circense tomentum, 380.  
 Circi, 501.  
 Circuitores, 326.  
 Circulum defringere, 53.  
 Circumferre (to purify), 78.  
 Circumscriptio, 124. 182.  
 Circus maximus — fallax, 501.  
 ——— Flaminius, 93.  
 Cisium, 486.  
 Cista, 87.  
 Citare nomina, 17.  
 Citari, 116. 486.  
 Civitas et urbs, 90.  
 Civitatem, venire per Latium in, 64.  
 Civitates foederatae, 68. 72.  
 Clarigatio, 265. 313.  
 Clarissimus, Spectabilis, &c., 137.  
 Classem, infra, 78.  
 Classes, 76.  
 Classiarii *v.* Epibatæ, 353.  
 Classici, 78.  
 Classicus, 75.  
 Classis, 354.  
 ——— quintæ videri, 78.  
 Claves, 458.  
 Clavum figere *v.* pangere, 137.  
 Clepsydra, 214.  
 Clepsydræ dicere, ad, 214.  
 Clientes, 26.  
 Clitellæ, 482.  
 Cloacæ — cloaca maxima, 508.  
 Cloacina, 247.  
 Clypeus, 319. *n.* 454. *n.* ——— Minervæ, 391.  
 Coactores — coactiones argentarias facitare, 158.  
 Coccinati, 372. *n.*  
 Cochleæ, 226.  
 Cochleare, 401.  
 Codex, 35. *n.* 228.  
 ——— Gregorianus, Hermogenianus, Justinianus, 196.  
 ——— repetitæ prælectionis, 196.  
 ——— Theodosianus, 195. *n.*  
 Codicem legere *v.* recitare suum, 452.  
 Codicilli, 58. *n.* 453.  
 Cœlebs, 395.  
 Cœlius Mons, 494.  
 Coemptio, 405.  
 Cœna antelucana, 377.  
 ——— Auguralis — Saliaris, 392.  
 Cœna Dialis *n.* epulum Jovis, 8. 263.  
 ——— dubia, adventitia, 392.  
 ——— nuptialis, 410.  
 ——— recta, 393.  
 Cœnæ caput, 389.  
 Cœnacula et -um, 52.  
 Cœnare civiliter, 400.  
 Coercitio, 316.  
 Cognati, 28. 46.  
 Cognitionem suscipere *v.* recipere, 231.  
 Cognitiones. Cognitionibus vacare, 198.  
 Cognitionibus vacare, 198.  
 Cognitores, 224.  
 Cognomen, 30.  
 Cohors Prætoriana, 331.  
 Cohortes, 331.  
 Coire in lites, 167.  
 Coitiones, 82.  
 Colisæum *v.* Colosseum, 301.  
 Collegii Magister, 256.  
 Collegium, 172. 264.  
 ——— amplissimi sacerdotii, 254.  
 ——— sodalium — Augustalium — Flavianum, &c., 264.  
 Collis hortulorum, 495.  
 Coloni, 470. 37. *n.*  
 Coloniae, 69.  
 ——— civiles — plebeiae *v.* togatae, 71.  
 Coloniæ deducere, 69.  
 Colum nivarium, 401.  
 Columbar, 232.  
 Columna rostrata, 339. 504.  
 Columnæ, 504.  
 Columnarii, 506.  
 Columnarium, 505.  
 Colus, 459.  
 Coma calamistrata — formata in gradus, 368.  
 Comas stringere, 480.  
 Commissatio — Commissator, 378.  
 Comitatus, 144.  
 Comitia, 72.  
 ——— calata, 75.  
 ——— centuriata, 75.  
 ——— curiata, 73.  
 ——— dirimere, 84.  
 ——— habere, 73.  
 ——— populi, 93.  
 ——— tributa, 89. 121. *n.*  
 Comitialis dies, 73.  
 ——— morbus, 84.  
 Comitatus tribuni, 170.  
 Comitium, 72. 73. *n.*  
 Commeatus, 18.  
 Commentari, 258.  
 Commentarii *v.* hypomnēmata, 16. 451.  
 Commentarius rerum urbanarum — a commentariis, 252.  
 Commissiones — committere opera, 499.  
 Commune consulere, in, &c., 50.  
 Compaginantes agri, 481.  
 Comperendinatio, 168. 213.  
 Comparare sorte *v.* consensu — sine comparatione, 80.  
 Compitalia, 289.  
 Compluvium, 244.  
 Compromissum — Compromissarius, 210. 212.  
 Comœdia togata — trabeata — prætextata — tabernaria — palliata — stataria — mixta — motoria, 307.  
 Concepta verba, 142. 199.  
 Conchyliæ, 390.  
 Conciliabula, 71.  
 Concilium, 146. *n.*  
 ——— plebis, 93.  
 Concionem dare alicui habere — in concionem vocare — ascendere — ad concionem producere, 126.  
 Concipere actionem *v.* formulam, 199.  
 ——— actionis intentionem, 210.  
 Conclamatum est, 415.  
 Conclave, 463.  
 Condere manes — animam, 414.  
 ——— lustrum, 79.  
 Condicere cœnam, 392.  
 Condictio, 213.  
 Conditiones, 204.  
 Conditores juris, 166.  
 Confarreatio, 404.  
 Congiarium, 361. 444.  
 Congius, 444. 445. *n.*  
 Conjectio causæ, 214.  
 Conjectores, 260.  
 Conjuratio, 315.  
 Connubium, 46.  
 Conquisitores, 316.  
 Conscripti, 3.  
 Consecrare caput alicujus, 88.  
 Consecratio, 490.  
 Consensuales, 205.  
 Consentes Dii, 101. *n.* 241.  
 Consessores, 222.

- Consilia semestria sortiri**, 10.  
**Consilarii**, 146. 214.  
**Consilii sententiâ decernere de**, 146.  
**Consilium**, 146. n.  
 ——— cogere — in consilium advocare, adhibere: in consilio adesse, assidere, &c., 146.  
 ——— mittere in, 228.  
**Constitutiones principales**, 195.  
**Consualia**, 290.  
**Consuetudo v. mos majorum**, 195.  
**Consul prior**, 102.  
**Consulares**, 11. n. 109.  
**Consularis aquarum**, 508.  
 ——— auctoritas v. sententia, 109.  
 ——— processus, 104.  
**Consulatus petebatur non rogabatur**, 108. n.  
**Consulere senatum**, 11.  
**Consules**, 100. n. 101.  
 ——— designati, 103.  
 ——— numerare multos, 102.  
 ——— suffecti v. subrogati, 100. 108.  
**Consuli publicè**, 259.  
**Consulta—Gracchi—sapi-entum**, &c., 16.  
**Continere rem militarem**, 74.  
**Contubernales**, 33. 145. 325. 406.  
**Contubernium**, 33. 37. n. 46. 325.  
**Convenire**, 211.  
**Conventio in manum**, 49.  
**Conventus circumire**, 146.  
 ——— v. forum agere, 145. 211.  
**Convivium intempestivum**, 377.  
**Cooptare**, 92. 121. n.  
**Coquus, carptor, &c.** 390.  
**Corbitæ**, 350.  
**Cornicen**, 75.  
**Cornu**, 326.  
**Cornua**, 113. 351. 449.  
 ——— portus, 355.  
 ——— velorum, 351.  
**Corollæ — Corollarium**, 311.  
**Corona civica**, 334, 335.  
 ——— vallaris — muralis — navalis—obsidionalis, 334, 335.  
 ——— nâ cingere, 343.  
**Coronâ ebrius, cum**, 387.  
 ——— emere, 53.  
 ——— venire, sub, 32.  
**Coronam colligere**, 215.  
**Coronare pocula—cratera**, 402.  
**Coronarium aurum**, 147.  
**Corpus juris**, 111. 196.  
**Correctores**, 148.  
**Corrigia**, 365.  
**Cortina v. tripus**, 263.  
**Corvi v. ferreæ manus**, 356.  
**Corymbus**, 481.  
**Cothones**, 356.  
**Cothurni**, 309.  
**Covinus**, 487.  
**Crater**, 400.  
**Crates**, 344.  
**Crepidæ**, 365.  
**Crepundia**, 409.  
**Creta**, 229.  
**Cretata ambitio**, 81. n.  
**Cretati pedes**, 32.  
**Cretio hæreditatis**, 59.  
**Crimen regni**, 79.  
**Crocôta**, 372.  
**Crucem agi, in**, 234.  
**Crustæ**, 400.  
**Cryptoporticus**, 384.  
**Cubicula**, 302. 462.  
**Cubicularius — cubiculo præpositus**, 463.  
**Cubitus**, 443.  
**Cucullus**, 364.  
**Cudo**, 368.  
**Culeus**, 445.  
**Culina**, 461.  
**Culmen**, 456.  
**Cultrarii v. victimarii**, 273.  
**Cumerum**, 409.  
**Cunei v. gradus**, 312.  
**Cuneis innotuit res omnibus**, 302.  
**Cuneus v. trigōnum**, 302. 333.  
**Cuniculum agere**, 346.  
**Curatores operum publicorum**, 134.  
**Curetes**, 270.  
**Curia**, 502.  
 ——— magister, 74.  
**Curio maximus**, 2.  
**Curiones**, 62. 265.  
**Currum conscendere, insilire — curru descendere**, 491.  
**Currus v. curricula**, 485.  
**Cursores**, 483.  
 ——— publici v. veredarii, 511.  
**Curules magistratus**, 485.  
**Curulis sella—curule ebur**, 485.  
**Custodes**, 87.  
**Custodia libera**, 232.  
**Custodiæ**, 325.  
**Custos urbis**, 134. n.  
**Cyathus — ad cyathos stare — ad cyathum statui**, 401. 445. n.  
**Cybele**, 242. n.  
**Cyclas**, 358.  
**Cyclopes**, 239.  
**Dactylothea**, 373.  
**Damnatio ad bestias**, 234.  
**Damnationem, per damnare aliquem votis — damnas esto**, 58.  
**Damnum injuriâ datum**, 208.  
**Dapes libatæ**, 387.  
 ——— Siculæ, 391.  
**Datatim ludere**, 383.  
**De die et in diem vivere**, 377.  
 — plano — de sellâ — de loco superiori, 113.  
**Decem primi**, 89. n. 100. n.  
**Decemviri**, 95.  
 ——— agris dividendis, 143.  
 ——— litibus judicandis, 133.  
**Decernere legem v. rogationem**, 85.  
**Decidere**, 201.  
**Decimani limites**, 481.  
**Decimanus fluctus — poma decumana, &c.** 481.  
**Decimatio**, 341.  
**Decoctores**, 189.  
**Decollare**, 362.  
**Decreta**, 195.  
 ——— consulum — augurum — pontificum — decurionum — Cæsaris, &c. 16.  
**Decretum ultimum v. extremum**, 20.  
 ——— tribunorum, 125.  
**Decumæ**, 61.  
**Decumana poma — decumani limites**, 481.  
**Decumani**, 61.  
**Decumanus ager**, 61.  
**Decuriæ — decuriam emere**, 156. 222.  
**Decurionatûs honorarium**, 71.  
**Decuriones**, 71. 321.  
**Decursio**, 327.

- Decurrere, 424.  
 Decussatio, 481.  
 Dedititii, 32.  
 Deductores, 81.  
 Defensores, 224.  
 Deferre iudicium a subse-  
 liis in rostra, 220.  
 Defrutum, 398.  
 Dejicere, 82.  
 Delatio nominis, 223.  
 Delatores, 223.  
 Delectus — delectum ha-  
 bere, 314.  
 Delirare, 472.  
 Deminutio capitis *v.* dete-  
 rioris juris, 45. *n.*  
 Denarius, 434.  
 Denunciari, -e, 212, 213.  
 Deponere aliquem vino,  
 415.  
 Depontani, 87.  
 Deportatio, 63. 233.  
 Depositus, 415.  
 Descendere ut acturus, ad  
 agendum, ad accusan-  
 dum — in campum *v.* fo-  
 rum, 231.  
 Designati, 89.  
 Designator, 419.  
 Designatores, 303.  
 Desultores — desultorii,  
 485.  
 Determinare regiones cœli,  
 257.  
 Detestatio sacrorum, 75.  
 Dexter et sinister, 257,  
 258.  
 Diæta, 463.  
 Diana, 241.  
 Dianōme, 71.  
 Dianus, 242.  
 Diarium servorum, 36.  
 Dibaphum cogitare—diba-  
 pho vestire, 257.  
 Dicam scribere — sortiri,  
 199, 200.  
 Dicari cœlo, 430.  
 Dicere de scripto, 14.  
 — jus, 110.  
 Dictator, 94. 137.  
 Diem dicere et prodicere,  
 218, 219.  
 — vivere in, de die, 377.  
 — diffindere, 84. 213.  
 — prodere, 82.  
 Dies Alliensis 290.  
 — atri, 283. *n.*  
 — civiles, 286.  
 — comitiales, 9.  
 — fasti et nefasti, 110.  
 165. 178. *n.*  
 — festi, 287.  
 Dies intercesi, 165. 287.  
 — justi, 216.  
 — lustricus, 31.  
 — natalis urbis Romæ,  
 1.  
 — nefasti *v.* atri, 9.  
 — Præliares, 292.  
 — profesti, 292.  
 — solennis magistratibus  
 ineundi, 103.  
 — Solis—Lunæ—Mar-  
 tis—Mercurii—Jovis—  
 Veneris—Saturni, 284.  
 — stati, 213.  
 Diffarreatio, 404.  
 Diffindere — diem diffidit,  
 84.  
 Digesta *v.* Pandectæ, 196.  
 Digito licitus est, 53.  
 Digitum tollere, 53.  
 Digitus, 443.  
 — annularis, 373.  
 Dii magni, nobiles, cœ-  
 lestes, 241.  
 — majorum gentium, 235.  
 — minorum gentium —  
 indigetes, 245.  
 — patellarii, 387.  
 Dijovis, 248.  
 Dimachæri, 301.  
 Dimensum militum, 342.  
 — servorum, 36.  
 Diminutio capitis — media  
 — maxima, &c. 63.  
 Diocēsis, 136.  
 Dioscūri, 295.  
 Diphthæra, 376.  
 Diphthera Jovis — Diph-  
 therâ antiquiora, 447.  
 Diploma, 452.  
 Diræ, 256.  
 Diribitores, 87.  
 Dirimere suffragia, 87.  
 Discalceati, 365.  
 Discedere in alia omnia,  
 14.  
 Disceptare inter se, 165.  
 Discessio, 14.  
 — sine ullâ varie-  
 tate, 15.  
 Discinctus nepos — dis-  
 cincti Afri—ludere, 362.  
 Discingere, 362. *n.*  
 Disputatio fori, 165.  
 Dius fidius, 245.  
 Diverbia, 306.  
 Diversoria, 511.  
 Diverticula, 511.  
 Divinatio, 223.  
 Divisores, 81.  
 Divortium, 411.  
 Dixi, 228.  
 Do, dico, addico, 110.  
 Dolium, 395.  
 — relinere, delinere,  
 110.  
 Domicilium Jovis, 489.  
 Domini insularum, 52.  
 Dominium Quiritarium,  
 55.  
 Dominus, 34. 450.  
 Domus et insula, 52. 457.  
 — regia *v.* publica,  
 253.  
 Dona et munera, 54.  
 Donatio, 54.  
 Donativum, 444.  
 Dos — receptitia, 406.  
 Dossuaria, 482.  
 Drachma, 436.  
 Ducenarii, 149. 222.  
 Ducere uxorem, 409.  
 Ductu et auspicio, 322.  
 Duella, 59.  
 Duplicarii, 336.  
 Duplicatio, 206.  
 Duumviri, 71. 142, 143.  
 Ebur — curule ebur, 485.  
 Ecclesia, 71.  
 Eculeus, 226.  
 Edere, 93.  
 Edicere, 110.  
 Edicta et constitutiones,  
 per, 21. 195.  
 — nova, 111. 145.  
 — perpetua, 111.  
 — translatitia, 56.  
 111. 145.  
 Edictum peremptorium,  
 112.  
 — urbanum et pro-  
 vinciale, 111.  
 Editio, 225.  
 Edititii iudices, 225.  
 Edulia, 389.  
 Effata, 257.  
 Egredi relationem, 12.  
 Ejerare aliquem, 212.  
 Elleborosus, 260.  
 Elogium, 57.  
 Emancipatio, 38. *n.* 47.  
 Emblemata, 400.  
 Embolia, 310.  
 Emeriti, 315.  
 Emplastratio, 479.  
 Emptio per æset libram,  
 47.  
 — sub coronâ, 32.  
 Endromis, 297. *n.*  
 Enubere patribus, 46.  
 Enuptio gentis, 46.  
 Ephippia, *v.* strata, 320.



- Epibatæ**, 353.  
**Epilogus** *v.* **peroratio**, 228.  
**Episcopus**, 136.  
**Epistola**, 453.  
**Epistolæ Imperatorum**, 21.  
**Epistolam resignare**, 453.  
**Epitaphium** *v.* **titulus**, 430.  
**Epithalamium**, 410.  
**Epitrapezius**, 388.  
**Equestri ordine moveri**, 24.  
**Equestris ordinis princeps**, 24.  
**Equi Curules**, 118.  
**Equiria**, 288.  
**Equites**, 22.  
 ——— **illustres, speciosi**, &c. 23.  
 ——— **recognoscebantur**, 24.  
**Equum publicum assignare**, 24.  
 ——— **adimere**, 24. 116.  
**Equus legitimus**, 23.  
**Ergastulum**, 35. 37. *n.*  
**Eros**, 238.  
**Esquilinus Mons**, 494.  
**Essedarii**, 301.  
**Essedum**, 486.  
**Euripi** *v.* **Nili**, 468.  
**Euripus**, 294. 302.  
**Everræ** — **everrator**, 426.  
**Evictionem præstare**, 50.  
**Evocare Deos**, 346.  
 ——— **Romam**, 102.  
**Evocati**, 316.  
**Evolvere librum** — **notionem**, 449.  
**Ex æquo et bono**, 140. 163.  
 ——— **loco**, 113.  
**Exauctorati et dimissi**, 339.  
**Exauctoratio**, 341.  
**Exauguratio**, 49.  
**Excitari**, 12.  
**Exceptiones**, 206.  
**Excubiæ**, 325.  
**Exequiæ** — **immaturæ** — **exequias ducere**, 417.  
**Exercitator**, 298.  
**Exercitor navis**, 207.  
**Exercitus**, 80. 327.  
**Exigere sarta tecta**, 110.  
 ——— **foràs** *v.* **ejicere**, 413.  
**Exilium**, 233.  
**Eximere diem dicendo**, 12.  
**Exodia**, 306.  
**Exomis** *v.* **diphthera**, 376.  
**Exostra**, 312.  
**Expensum ferre**, 441.  
**Expromissor**, 45.  
**Expulsim ludere**, 383.  
**Extæ bona** — **prava** *v.* **tristia**, 277.  
**Extispices**, 261.  
**Extranei**, 48.  
**Extraordinarii**, 322.  
**Extremum Sctum**, 20.  
**Faba**, 475.  
**Fabellæ Atellanæ**, 306.  
**Fabri**, 77.  
**Fabulam docere** *v.* **facere**, 308.  
**Facere copiam** *v.* **potes-tatem sui**, 198.  
**Faces funebres**, 419.  
 ——— **nuptiales, legitimæ**, 409.  
**Factio alba** — **russata** — **veneta** — **prasina** — **aurata** — **purpurea**, 296.  
**Factiones aurigarum**, 296.  
**Falæ** *v.* **Phalæ**, 295.  
**Falernos (cados) fumosos** — **Falerni interiore notâ**, 396.  
**Falernum vinum**, 398.  
**Familia**, 33. 300.  
**Familia**, 28.  
 ——— **emptor**, 56.  
 ——— **mancipatio**, 56.  
 ——— **philosophorum**, 34.  
**Familiam ducere**, 34.  
**Familiaris pars**, 277.  
**Fana**, 257.  
**Fanatici**, 260.  
**Far**, 474.  
**Fas**, 161. *n.*  
**Fasces et secures**, 99.  
 ——— **laureati**, 103. *n.*  
**Fasciæ**, 365.  
**Fascinus**, 247.  
**Fasti calendares** *v.* **sacri**, 251.  
**Fastigiatus**, 464.  
**Fastigium**, 464.  
**Fastos circa forum in albo proponere** — **fastorum enumeratio** — **fasti memores, picti, Consulares**, 251.  
**Fata**, 243.  
**Fatidici libri**, 262.  
**Faunalia**, 288.  
**Faunus**, 246.  
**Favere linguis** *v.* **ore**, 157.  
**Fax** — **inter utramque facem**, 419.  
**Februalia**, 281.  
**Feciales**, 265.  
**Feminalia**, 365.  
**Fenestra**, 464.  
**Feralis** — **feralia munera**, 426.  
 ——— **cœna**, 427.  
**Fercula terna** *v.* **sena**, 391.  
**Ferentarii**, 318.  
**Feretrum** *v.* **Capulus**, 418.  
**Feriæ**, 287.  
 ——— **imperativæ**, 292.  
 ——— **Latinae**, 291.  
 ——— **statæ** — **conceptivæ**, &c. 287.  
**Ferre omne punctum** — **centuriam** — **repulsam** — **suffragium** *v.* **tabellam**, 87, 88.  
 ——— **adversario** *v.* **alicui judices**, 212.  
**Ferreæ solæ**, 366.  
**Fescennini versus**, 306.  
**Festucas inter se committere**, 202.  
**Fibulæ**, 364.  
**Fide jussor** *v.* **sponsor**, 205.  
**Fideicommissum**, 57.  
**Fiduciarius hæres**, 57.  
 ——— **pater**, 48.  
**Figere leges**, 89.  
**Filia major** — **minor** — **prima**, **secunda**, **tertia** — **tertulla**, **quartilla**, &c. 31.  
**Filum ducere** *v.* **deducere**, 461.  
**Fines regere**, 54.  
**Fiscus**, 132.  
**Flagella**, 480.  
**Flagellum**, 489.  
**Flamines** — **Flamen Dialis**, **Quirinalis**, &c. 266.  
**Flaminica**, 254. 267.  
**Flaminii et -æ**, 273.  
**Flammeum**, 409.  
**Flora**, 247.  
**Focalia**, 365.  
**Focus**, 462.  
 ——— **portabilis** *v.* **prunæ batillus**, 155.  
**Fœnum** — **fœnum cardum**, 476.  
**Fœnus**, 440.  
 ——— **nauticum**, 442. *n.*  
 ——— **unciarium** *v.* **uncia** **usuræ**, 441.  
**Follis**, 383.  
**Foràs exigere** *v.* **ejicere**, 413.  
**Forceps**, 333.  
**Forensia**, 362.  
**Fori**, 352.  
**Foribus obdere pessulam** — **fores reserare**, 456.  
**Formula**, 66. 110. 199.

- Formulâ sociorum**, 66.  
 ——— excidere, 200.  
**Formulæ stipulationum**, 205.  
**Formulam concipere**, 199.  
 ——— intendere, 200.  
 ——— juris antiqui, restitui, in, 66.  
**Foro versari**, in—foro cedere—fidem de foro tollere — fori tabes, &c. 502.  
**Fortuna virilis**, 497.  
 ——— muliebris, 290.  
**Forum Appii, Aurelium**, &c. 71.  
 ——— Romanum—Nervæ —boarium — piscarium, &c. 503.  
**Forus**, 293. 352. 402. 414.  
**Fræna injicere, concutere** —mordere—lupata, 490.  
**Frænum**, 490.  
**Frangere oervicem**, 283.  
**Frigidarium**, 385.  
**Fritillus**, 402.  
**Frumentum decumanum** —imperatum, 67.  
**Frutices**, 478.  
**Fucus**, 369.  
**Fugitivarii**, 35.  
**Fulcra**, 379.  
**Fulmen, vitium comitorium**, 93.  
**Funales equi**, 489.  
**Funambuli, schœnobætæ v. neurobætæ**, 310.  
**Funarium**, 396. n.  
**Funditores**, 318.  
**Fundos emancipare**, 52.  
**Fundus**, 51. 64.  
**Funera**, 414.  
 ——— indictiva, 157.  
**Funes**, 352.  
**Funus indictivum—cenonium—publicum—collativum — tacitum — acerbum — translativum — commune**, 417.  
**Furca**, 35.  
 ——— v. furcilla v. surumnula—furcâ expellere, ejicere, 483.  
**Furcifer**, 35.  
**Fures**, 207.  
**Furiæ**, 243.  
**Furtum conceptum**, 168. 200.  
 ——— manifestum, 208.  
**Fusia lex**, 172. n.  
**Fustuarium**, 232. 341.  
**Fusus**, 460.  
**Gabinus cinctus**, 69.  
**Galea**, 319.  
**Galericulum**, 376.  
**Galërus**, 367.  
**Galli**, 269.  
**Gallia togata**, 43.  
**Gausapa**, 364.  
**Geminare — pilam volantem**, 383.  
**Gemmæ**, 373.  
**Gemoniæ**, 234.  
**Genethliaci**, 259.  
**Genium defraudare—genio indulgere**, 244.  
**Genius**, 244.  
**Gens**, 46.  
**Gente, sine**, 29.  
**Gentem habere**, 68. n.  
**Gentes**, 28.  
**Gentiles**, 28.  
**Gentilitia**, 62.  
**Gestatio**, 384.  
**Gladiator plurimarum palmarum**, 305.  
**Gladiatores — supposititii v. subdititii — postulatitii — fiscales v. Cæsariani — catervarii — meridiani**, 301.  
**Gladiis recedere, a**, 300.  
**Gladios hebetes v. rudes ponere**, 304.  
**Gladius et hasta**, 112.  
 ——— plumbeus, 300.  
**Globus v. orbis**, 393.  
**Glutinatores**, 454.  
**Gradus militaris**, 327.  
**Græcostasis**, 73. n. 286.  
**Graphium**, 448.  
**Gratiæ v. Charites**, 238.  
**Greges**, 296.  
 ——— et armenta, 478.  
**Gubernaculum**, 350.  
**Gubernator**, 354.  
**Gustatio**, 389.  
**Gustus**, 389.  
**Guttus**, 386.  
**Gymnasium**, 297.  
**Gymnosophistæ**, 416.  
**Gynæceum**, 463.  
**Gypæstus**, 32.  
**Habe tibi tuas res**, 413.  
**Habena**, 35.  
**Habenas flectere — dare, adducere, suppressere, &c.** 490.  
**Hædi**, 490.  
**Hæredem nuncupare**, 55.  
**Hæredes ascendentes—descendentes—collaterales**, 59.  
**Hæredes instituti**, 57.  
 ——— secundi, 57.  
**Hæreditas jacens**, 50.  
 ——— sine sacris, 75.  
**Hæreditatem cernere, a-dire**, 59.  
**Hæredium**, 469.  
**Hæres ex asse — semisse, triente, dodrante**, 59.  
 ——— fiduciarius, 89. 57.  
**Harioli v. divini**, 260.  
**Harpagones**, 356.  
**Harpastum**, 383.  
**Haruspices et -inæ**, 261.  
**Hasta**, 134. n.  
 ——— pura, 335.  
 ——— venire, sub, 32. 53.  
**Hastati**, 318.  
**Hebdomades v. septimânæ**, 284.  
**Helciarîi**, 354.  
**Heliocaminus**, 463.  
**Helix**, 355.  
**Heminaria**, 445.  
**Herciscere familiam**, 54.  
**Hercle — Mehercle — Hercule dextro, amico**, 246.  
**Hermæ trunci**, 240.  
**Hetæriæ**, 177.  
**Hexaphorum**, 418.  
**Hexêres**, 348.  
**Hieronîcæ**, 298.  
**Hilaria**, 270. 288.  
**Hippodromi**, 501.  
**Hippopera v. mantica v. bulga**, 483.  
**Histriones**, 305.  
**Hoc age**, 277.  
**Holocaustum**, 277.  
**Holographum**, 56.  
**Honorarium**, 146. 167.  
**Honorati v. honore honestati**, 111.  
**Hoplomâchi**, 301.  
**Horæ**, 248. n.  
**Hordeum**, 474.  
**Horologia solaria v. scia-terica**, 286.  
**Horoscopus**, 260.  
**Horreum**, 476.  
**Horti Cæsaris, &c.** 468.  
**Hospitalia**, 389.  
**Hospitium—hospitio congiungi—renunciare hospitium alicui, &c.** 388.  
**Hostes**, 43.  
**Hostia**, 276.  
**Hostilis v. inimica pars**, 277.  
**Hyâdes**, 490.  
**Hybridæ v. Ibridæ**, 407.

- Hymen** *v.* **Hymenæus**, 247. *n.*  
**Hypocauston**, 385.  
**Hypodidascalus**, 451.  
**Hypogæa**, 429.  
  
**Idus**, 283.  
**Ignobiles**, 28.  
**Ignominia**, 119. 232.  
     — *inurebatur* *v.* *irrogabatur*, 232.  
**Ilicet**, 425.  
**Illiberalis questus**, 26. *n.*  
**Imago**—**jus imaginum**, 28.  
**Immunis**, 68. *n.*  
**Imperator**, 96. 147. 152. 334.  
**Imperatores**, 100.  
**Imperio**, *pro*—*esse cum imperio*—*in justo* *v.* *summo imperio*, 97.  
**Imperium**, 74. 96. 138. *n.*  
     — *ut alicui esset*, 147.  
**Impetratum**, *inauguratum est*, 258.  
**Impluvium**, 462.  
**In procinctu**, 55.  
**Inaugurari**, *prodi* *v.* *capi*, 266.  
**Inauguratio**, 49. 83.  
**Inaures**, 370.  
**Incerare genua deorum**, 275.  
**Incendiarii**, 175.  
**Incestus**, 407.  
**Incilia**, 471.  
**Inciti**—*ad incitas redactus*, 403.  
**Incudi reddere versus**, 449.  
**Indica**, *fac pretium*, 204.  
**Indicere conventus** — *forum*, 145.  
**Indictio**, 67.  
     — *munerum*, 341.  
**Indigetes**, 91. *n.*  
**Inducere locationes**, 118.  
     — *nomen*, 57.  
     — *SCtum*, 13.  
**Indusium** *v.* *subucula*, 364.  
**Infames**, 7.  
**Infectio manus**, 201.  
**Infelici arbori suspendito**, 233.  
**Inferiæ**, 425.  
**Infrequentes**, 340.  
**Infulæ**, 265.  
**Ingenui**, 31.  
**Inoculatio**, 479.  
**Inofficiosus**—*per querelam inofficiosi*, 57.  
  
**Inquilinus**, 52.  
**Inquisitionem dare**, 231.  
**Inscriptus**, 85.  
**Insigne**, 349.  
**Insilia**, 460. *n.*  
**Insitio**, 479.  
**Instita**, 358.  
**Institutores**, 207.  
**Instituere accusationem**, 219.  
**Instituta**, 196.  
**Instrumento scriptum**, 205.  
**Insula**, 457.  
**Insulæ**, 52.  
     — *Æoliæ*, 248.  
**Insularum domini**, 52.  
     — *procuratores*, 52.  
**Intercalares priores**, 281.  
**Intercalaris mensis** *v.* *Macedonius*, 281.  
**Intercedere**, 12. 102.  
**Interceptores litis alienæ**, 223.  
**Intercessio Tribunorum**, 84.  
**Interdicere bonis**, 112.  
**Interdicta**, 112. 202.  
**Interdictio ignis et aquæ**, 63. 233.  
**Interfari tribuno**, 179.  
**Interpretes**, 82.  
**Interregnum**, 100.  
**Interrex**, 95. 100.  
     — *prodebatur*, 80.  
**Interrogatio**, 205.  
**Intestabiles**, 227.  
**Intestatus**, 59.  
**Invergere**, 278.  
**Irrogare poenam** *v.* *multam*, 85. 219.  
**Iselastici ludi**, 298.  
**Iter**, 51.  
  
**Jani templum**, 500.  
**Janiculum**, 494.  
**Janitor**, 458.  
**Janua**, 457.  
**Janus**—**Jani**—**Janus summus ab imo**—**Januæ**—**coelestis janitor aulæ**—**dextro Jano portæ Carmentalis**, 242.  
**Jentaculum**, 378.  
**Jove frigidus**, *sub*—*dextro Jove*, 235.  
**Jubere legem** *v.* *rogationem*, 85.  
**Judex**—*ad* *v.* *apud judicem agere*, *experiri*, *litigare*, *petere*, 210.  
  
**Judex questionis** *v.* *princeps judicum*, 221.  
**Judicatum solvi**, 212.  
**Judicem ejerare**, 212.  
     — *ferre alicui*, 212.  
     — *subsortiri*, 225.  
**Judices**, 113. 221.  
     — *edere*, 225.  
     — *Gracchani*, 23.  
     — *Pedanei*, 214.  
     — *selecti*, 211.  
**Judicia**, 197.  
     — *centumviralia*, 211.  
     — *exercere*, 113.  
**Judicium hastæ**, 211.  
     — *quadruplex*, 211.  
     — *recuperatorium*, 211.  
     — *subscribere*, 200.  
     — *turpe*, 119. *n.*  
**Jugales equi**, 489.  
**Jugerum**, 444. 472.  
**Jugo cogere**, *sub*—*jugum subire*, &c. 489.  
**Jugum**, 460.  
**Jumentum domusarium**—*clitellarium*, 482.  
**Juniani Latini**, 40.  
**Juniores**, 77.  
**Juno**, 235.  
     — *moneta*, 436.  
**Jupiter**, 235.  
     — *Indiges*, 246.  
**Jura gentium** *v.* *gentilia*, 29.  
**Jurare in leges**, 98.  
     — *in acta*, 153.  
**Jurati homines**, 225.  
**Jure cessio** *v.* *cessio in jure*, 53. 201.  
     — *fundi*, 51.  
     — *mancipii*, 53.  
     — *nexi*, 53.  
**Juridicus Alexandrinæ civitatis**, 149.  
**Juris studiosi**, *periti*, 162. 163. *sui esse*, 47.  
**Jurisdicatio**, 96. 198.  
**Jus Ælianum**—**Flavianum**, &c. 165.  
     — *applicationis*, 72.  
     — *calcis coquendæ*, 51.  
     — *censûs*, 60.  
     — *civitatis*, 42.  
     — *connubii*, 43.  
     — *dominii legitimi*, 43. 53.  
     — *et lex*, 160.  
     — *gentilitatis et familiæ*, 43.

- Jus honorarium**, 110, 111. 195.  
 — **honorum**, 62.  
 — **imaginum**, 28. 129. *n.*  
 — **Italicum**, 43.  
 — **Latii**, 43. 64.  
 — **libertatis imminutum**, 63.  
 — **militiæ**, 60.  
 — **mortuum inferendi**, 50.  
 — **naturæ — publicum — civile — gentium — prædicatorium — feciale — legitimum — consuetudinis**, 161, 162, 163.  
 — **patronatûs**, 48.  
 — **prætorium**, 111.  
 — **primæ, secundæ, tertiæ, quartæ, et quintæ relationis**, 12.  
 — **provinciarum**, 43.  
 — **publicè epulandi**, 8.  
 — **Quiritium**, 48.  
 — **relationis primæ, &c.**  
 — **sacrorum**, 62.  
 — **suffragii**, 42. 62.  
 — **testamenti et hæreditatis**, 43.  
 — **tribunatûs petendi**, 122.  
 — **tributorum**, 60.  
 — **trium liberorum**, 186.  
 — **tutelæ**, 43.  
 — **vocari in**, 129. 198.  
**Jusjurandum**, 316.  
**Justa funebria**, 417.  
**Justitium**, 292. 427.  
**Justus equitatus**, 317.  
**Juvenes**, 25.  
  
**Kalendæ**, 283.  
 — **intercalares**, 283.  
 — **tristes — celeres**, 442.  
**Kalendares fasti**, 251.  
  
**Lacerna**, 364.  
**Lacus**, 395.  
**Læna**, 266. 364.  
**Lana**, 459.  
**Lanistæ**, 299.  
**Lapidem Jovem jurare**, 213.  
**Lapillus** — **notare diem melioribus lapillis**, 229.  
**Lapis specularis v. Phenigites**, 464.  
 — **ad tertium lapidem, &c.** 510.  
**Lapsus rotarum**, 355.  
  
**Laquearia v. lacunaria**, 466.  
**Laquearii**, 301.  
**Lar**, 245.  
**Lares domestici et familiares — compitales et viales — militares et marini**, 244.  
**Larvæ — Larvati**, 260. 421.  
**Latifundia**, 478.  
**Latinitas**, 64.  
**Latium — in civitatem venire, per**, 64.  
**Latus clavus**, 6. 99.  
 — **v. tunica laticlavica**, 7.  
**Latus tegere — latus apertum v. nudum dare**, 304.  
**Laudatio**, 228. 420.  
**Laudicœni**, 215.  
**Laureatæ fores**, 458.  
**Laurigeri penates**, 458.  
**Lautumiæ**, 41. 232.  
**Laverna**, 247.  
**Lecti v. tori**, 379.  
**Lectica octophōros v. octophōrum**, 484. *n.*  
**Lecticæ**, 418. 483.  
**Lectisternium**, 241. *n.* 275.  
**Lectus**, 380.  
 — **funebis**, 416.  
**Legare aliquem sibi**, 144.  
**Legata**, 57.  
 — **per damnationem**, 58.  
 — **per præceptionem**, 58.  
 — **per vindicationem**, 58.  
 — **sinendi modo**, 58.  
**Legatarius**, 57.  
**Legati**, 144.  
 — **Cæsaris**, 148.  
**Legatio libera**, 144. 194. *n.*  
**Legatum capere**, 187.  
**Lege agere**, 198.  
**Legem abrogare, derogare, subrogare, obrogare**, 88.  
 — **antiquare, vetare**, 87, 88.  
 — **ferre**, 82.  
 — **jubere**, 82.  
 — **perferre**, 88.  
 — **proponere v. promulgare**, 82.  
 — **rogare**, 82.  
 — **suadere**, 82.  
**Leges**, 195.  
 — **agrariæ — frumentariæ — de levando fœnere — de novis tabulis — leges fœnebres**, 126.  
  
**Leges consulares, tribunitiæ, decemvirales**, 160.  
 — **de ambitu**, 163. *n.*  
 — **curiatæ**, 140.  
 — **v. decemvirales**, 142.  
 — **duodecim tabularum**, 160.  
 — **municipales**, 68.  
 — **regiæ**, 141.  
 — **tabellariæ**, 86.  
 — **figere et refigere**, 89.  
 — **scribere**, 95. 141.  
**Legiones**, 317.  
**Legis actio**, 47.  
 — **suasor v. auctor**, 82.  
**Legitimi liberi**, 407.  
**Legitimus equus**, 23.  
**Leguleius**, 201.  
**Lemures**, 421.  
**Lemuria**, 289.  
**Levare terrâ**, 46.  
**Lex annalis**, 98.  
 — **annua**, 110.  
 — **Christiana**, 164.  
 — **curiata**, 74.  
 — **curiata de imperio**, 75. *n.*  
 — **regia v. imperii**, 22.  
**Libatæ dapes**, 387.  
**Libatio**, 277.  
**Libelli**, 452.  
 — **imperatoris v. epistolæ**, 21. 133.  
**Libellus memorialis v. rationalis**, 452.  
 — **postulationum**, 223.  
**Liber**, 447.  
**Liberalia**, 288.  
 — **studia (v. humanitatis)**, 168.  
**Liberi**, 31.  
**Libertas justa**, 39.  
 — **vindicare in libertatem**, 38.  
**Liberti et Libertini**, 31.  
**Libertinarii**, 415.  
**Libertino patre natus**, 6.  
**Libitina — Libitinam evadere**, 415.  
**Libra**, 445. *n.*  
**Libræ pondo**, 437.  
**Libram, per æs et**, 47.  
**Libraria et -um**, 455.  
**Librarius**, 228. *n.*  
**Librator**, 508.  
**Libripens**, 55.  
**Liceri digito**, 204.  
**Licia**, 460.  
**Licitator**, 204.

- Lictores** — **Lictor** primus, proximus a. postremus, v. summus, 158.  
**Ligo**, 472.  
**Ligulae**, 365.  
**Lilia**, 344.  
**Limae labor** — **limâ** mordaciùs uti, 448.  
**Limare opus**, 448.  
**Limites** — **limes** decimanus, 481.  
 — **agrorum**, 184.  
**Linea sacra**, 403.  
**Lineatores**, 299.  
**Linteones**, 459.  
**Lintres**, 347.  
**Linum**, 475.  
**Liquet**, non, 215.  
**Lira**, 472.  
**Lirare**, 472.  
**Litare**, 426.  
**Literatus** — **urna** **literata**, &c. 35.  
**Item** in suam rem **vertere**, 223.  
 — **redimere**, 201.  
 — **suam facere**, 217.  
**Litera** **tristis** — **salutaris**, 229.  
**Literæ**, 453.  
 — **laureatae**, 334.  
 — **majusculæ**, 110.  
**Lites componere**, 178. 198.  
**Litigatores**, 200.  
**Litis æstimatio**, 181.  
 — **contestatio**, 213.  
**Lituus**, 257. 326.  
**Lixæ**, 324.  
**Locarii**, 903.  
**Loci**, 224.  
**Loco Consulari** v. **Prætorio**, 109.  
**Loculus**, 425. 450.  
**Locuples testis**, 528.  
**Lodix**, 380.  
**Lorica**, 302. 319. 344.  
**Luceres**, 22. 89.  
 — **posteriores**, 22.  
**Luctus**, 427.  
**Lucus**, 274.  
**Ludi Circenses**, 293.  
 — **extraordinarii** — **seculares** — **stati**, 293.  
 — **magni** v. **Romani**, 290.  
 — **Osci** — **Ludicrum Oscum**, 306.  
 — **scenici**, 305.  
 — **votivi**, 274. 293.  
**Ludus Trojæ**, 298.  
**Lugubria sumere**, 428.  
**Luna**, 244. 366.  
 — **ata** **pellis** — **planta**, 366.  
 — **tici**, 260.
- Luperci** — **Lupercal**, **Lupercalia** — **Luperci Fabiani et Quintiliani**, 268.  
**Lustrare** (to go round, survey), 78.  
**Lustrum**, 79.  
 — **condere**, 79. 120.  
**Lymphatici** — **lymphaticus** **pavor** — **nummi**, **anri lymphatici** — **mens lymphata** **Mareotico**, 260.
- Macellum**, 503.  
**Macrocolla**, 447.  
**Mæniana**, 294.  
**Magister**, 268.  
 — **collegii**, 256. 262.  
 — **equitum**, 140.  
 — **morum**, 120.  
 — **societatis**, 23.  
**Magistratum per leges capere**, 108.  
**Magistratus**, 96.  
 — **creare**, **decla- rare**, **nominare**, **dicare**, **renuntiare**, **designare**, **rogare**, 88.  
 — **ordinarii** — **extraordinarii** — **maiores et minores** — **curules**, 97.  
**Majestatis crimen**, 128. 146.  
**Malleoli**, 479.  
**Malus**, 350.  
**Manceps**, 50.  
**Mancipatio**, 52. 205.  
**Mancipes**, 61. 163. 215.  
**Mancipi res**, 50.  
**Mancipia**, 32.  
**Mancipii esse sui**, 52.  
**Mancipio dare**, 52.  
**Mancipium**, 51. 53. n. 55.  
 n.  
**Mandata**, 195.  
**Manes**, 421.  
**Mangones** v. **venaliti**, 32.  
**Manicæ**, 232.  
**Manipulus**, 317.  
**Manni**, 484.  
**Mansio**, 323.  
**Mansiones**, 511.  
**Mantile**, 382.  
**Manu gubernare omnia**, 14.  
**Manuleatus**, 362.  
**Manum conserere** — **manu asserere**, 202.  
**Manumissio per censum**, **vindictam**, **et testamen- tum**, 38.  
 — **per epistolam** — **per mensam** — **inter amicos**, 39.  
**Manûs injectio**, 201.  
**Mappa et mantile**, 382.
- Mappa Megalesiaca**, 296. n.  
**Mappam** n. **pannum mit- tere**, 296.  
**Marga**, 471.  
**Margaritæ**, 51.  
**Marginarii** — **Margines**, 510.  
**Maritare ordines**, 186.  
**Mars** v. **Mavors** — **valere** **Marte forensi** — **suo alio- noque Marte pugnare** — **nostro Marte aliquid pa- rageri** — **altero Marte** — **Mars tuus**, 239.  
**Marsupium**, 362.  
**Marsya**, 503.  
**Martis ultoris templum**, 500.  
**Mastigia**, 35.  
**Mathematici**, 243. n. 259.  
**Matrimi**, 405.  
**Matronæ**, 406.  
**Matronalia**, 288.  
**Mausolæum**, 428.  
**Mavortia**, 359.  
**Mazonomum**, 391.  
**Mediastinus**, 34.  
**Medicamina** n. **lenocinia**, 369.  
**Medicare fuco**, 460.  
**Medimnus**, 445.  
**Melancholici**, **cardiaci et phrenetici**, 260.  
**Membrana**, 447.  
**Mensa Pythægorica**, 451.  
 — **prima** v. **secunda**, 381.  
**Mensæ**, 381.  
**Mensam apponere**, **remo- vere**, 381.  
**Mensarii** v. **trapezitæ**, 441.  
**Menstruum**, 36.  
**Mephitis**, 247.  
**Mercenarii**, 34.  
**Mercurius** — **Mercuriales viri**, 240.  
**Merenda**, 378.  
**Merere equis**, 342.  
**Metæ**, 294.  
**Metatores**, 323.  
**Metropolis**, 136.  
**Micare digitis**, 404.  
**Miles manipularis**, 330.  
**Militares tribuni**, 95.  
**Milites**, 317.  
**Militiæ mutatio**, 341.  
**Milliarium**, 443.  
 — **aureum**, 510.  
**Mimographi**, 310.  
**Mimus**, 310.  
**Mina**, 436.  
**Minervâ** — **crassâ** **Minervâ**

- pingui Minervâ — in-  
vitâ Minervâ—susMiner-  
vam, sc. docet, 236.  
Ministrator, 214. *n.*  
Ministri, 113. 273. 391.  
Mirmillones, 301.  
Missio honesta *v.* justa —  
ignominiosa — causaria  
—gratiosa, 343.  
Missus, 296.  
—— ærarius, 297. *n.*  
Mithras, 244.  
Mitræ, 369.  
Mittere mappam, 296. *n.*  
Mitti in bona alicujus,  
199.  
Modius, 445.  
—— iniquus, 36. *n.*  
Monilia, 370.  
Monopodium, 382.  
Monoxyla, 347.  
Mons Sacer, 18.  
Montes — Palatinus — Ca-  
pitolinus *v.* Tarpeius —  
Aventinus *v.* Murcius *v.*  
Remonius — Quirinalis  
*v.* Caballinus — Cælius  
*v.* Lateranus—Viminalis  
— Esquilinus, 492, 493,  
494.  
Monumenta Æmilia—Mo-  
numentum Marii, 9. *n.*  
Moram facere, 12.  
Moratores, 294.  
Morbus comitialis, 84.  
Mors, 233.  
Movere tribu, 39. *n.* 91.  
Mulcta *v.* damnum, 232.  
—— et pignoris cap-  
tione, 8.  
Mulctam dicere, irrogare,  
123. *n.*  
—— petere et repetere,  
224.  
Muli Mariani, 483.  
Mulio, 491.  
Mulsum, 389.  
Multatitium argentum,  
131.  
Multitia, 371. *n.*  
Mundus, 74. *n.*  
—— muliebris, 368.  
Munera, 54. 299.  
—— capere, 68.  
Munerarius, 299.  
Municipes, 42.  
Municipia, 42. 68.  
Municipiorum stationes,  
73. *n.*  
Municipium, 68. *n.*  
Munifices, 325. *n.*  
Munus, 68. *n.*
- Munus consulare susti-  
nere, 110.  
—— edicere, pronun-  
ciare, 301.  
—— equitum, 23.  
—— gladiatorium, 316.  
Musæ, 240.  
Musculus, 345.  
Musæum, 455.  
—— *v.* musivum opus,  
465.  
Musteus liber, 396.  
Mutationes, 511.  
Mutum, 395.
- Nænia *v.* lessus, 419.  
Nardum, 387.  
Natalis dies coloniae, 70.  
Natalitium sidus, 259.  
244. *n.*  
Natio officiosissima, 81.  
Naturales liberi, 407.  
Nauclērus, 353.  
Naumachia, 299. 502.  
Nautæ, 346. 353.  
Navales socii, 353.  
Navalia, 352.  
Navicularium facere, 353.  
Navarchi, 353.  
Naves actuarie, 349.  
—— æratæ, rostratæ, 351.  
—— biremes, trirenes—  
quinqueremes *v.* penteres  
— hexēres, 348.  
—— caudicariæ, 347.  
—— ceratæ, 350.  
—— Liburnæ, 349.  
—— longæ et onerariæ,  
348.  
—— speculatoriæ, rec-  
toriae, gravesque, &c. 349.  
—— sutiles, 347.  
—— tectæ, 352.  
Navis exercitor, 207.  
—— magister, 207. 354.  
Negotiator, 207.  
Negotiorum gestor *v.* pro-  
curator, 207.  
Nemesis, 275.  
Neptunus — Neptunia  
Troja—uterque Neptu-  
nus, 237.  
Nervus, 232.  
Nexi, 44.  
Nexu traditio, 52.  
Nexum, 53. *n.*  
Nobiles et novi, 27, 28.  
Nobilis, 25. *n.*  
Nobilitas, 27. *n.*  
Nomen, 30. 442.  
—— accipere, 81.  
Nomenclator, 40.
- Nomina facere — appellare  
de nomine — transcri-  
bere nomina in alios, &c.  
442.  
—— tria, 30.  
—— transcribere in so-  
cios, 192.  
—— dare, 314.  
Nonæ, 283.  
Notæ, 157. 165.  
Notare diem cretâ *v.* car-  
bone—notare *v.* signare  
diem lacteâ gemmâ *v.*  
albâ—melioribus lapil-  
lis, 229.  
Notarii — notis excipere,  
157. 450.  
Notas inurere, 116.  
Novæ tabulæ, 45.  
Novalis *v.* -e, *v.* vervac-  
tum, 473.  
Novellæ, 196. *n.* 197.  
Novendiale, 426.  
Novi homines, 28.  
Nubere, 409.  
Nubilarium, 476.  
Nuces spargere — relin-  
quere, 411.  
Numella, 35. *n.*  
Numerum, bibere, ad, 401.  
Nummi victoriati, 434.  
—— adulterini, 175.  
Nummularii, 133. 441.  
Nummus, 433.  
—— asper, tritus, 436.  
Nuncupare vota, 104.  
Nuncupatio testamenti,  
56.  
Nundinæ, 81. 178. *n.* 284.  
Nuptiæ, 406.  
Nuntiatio, 84.  
Nymphæ Oreades—Dry-  
ades, Hamadryades, Nai-  
ades *v.* Naiades—Nere-  
ides, Oceanitides, 248.  
Nymphæum, 501.
- Obæratî, 44.  
Oblatio, 67.  
Obligata publico, 162.  
Obnuntiare, 84.  
Obŏlus, 436.  
Obrussa, 435.  
Obsignare — signis eorum  
obsignabantur, 56.  
Obstrigilli, 365.  
Obvagulatum, 227. *n.*  
Obventiones et reditus na-  
vis, 207.  
Occinere—si avis occinue-  
rit, 83.  
Ocreæ, 319.





- Plausus, 311.  
 Plebeii, 25.  
 Plebiscita, 18. 92. 125. 160.  
 Plebs, 25.  
 — rustica, 25.  
 — urbana, 25. 62.  
 — scivit, 93.  
 Plutei, 345.  
 Pluto, 242.  
 Plutus, 236.  
 Pocula, 400.  
 Podium, 302.  
 Pœnæ militares, 340.  
 Politor *v.* partiarius, 470.  
 Pollex, 443.  
 Pollice trunci, 314.  
 — laudare utroque, 304.  
 Pollicem premere et vertere, 304.  
 Pollinctores, 415.  
 Polluctum, 275.  
 Polymita, 461.  
 Pomœrium, 70. 257. *n.*  
 — proferre, 70. 496.  
 Pomona, 247.  
 Pompa, 295.  
 Pondo auri *v.* argenti, 437.  
 Ponte deiici, de, 87.  
 Pontes Romæ, 4.  
 — *v.* Ponticuli, 86.  
 Pontifex Maximus, 250.  
 Pontifices, 249.  
 — apud *v.* pro collegio pontificum — solennia pro pontifice suscipere — pontificio jure fieri — pro collegio respondere, 251.  
 — Majores et minores — pontificum collegium, 249.  
 Pontificum cœnæ *v.* pontificales, 263.  
 Popæ, 273.  
 Poppœanum, 369.  
 Populares, 28.  
 Popularia, 302.  
 Populi fundi, 64.  
 Populifugium, 288. *n.* 290. *n.*  
 Populiscita, 160.  
 Populus, 25.  
 — jubet, 19.  
 Porca, 472.  
 Porculeta, 421.  
 Porcus Trojanus, 390.  
 Porta, 69. 277.  
 — carmentalis, 495. *n.*  
 Portæ castrorum, 323.  
 — Romæ, 495.  
 Portenta, 255.  
 Porticus, 383. 504.  
 — Chrysippi, 504.  
 Portisculus, 354.  
 Portitor, 61.  
 Portorium, 61. 185.  
 Portus Julius, 353.  
 Posca, 343.  
 Possessio, 51. *n.* 55. *n.*  
 Possessionis longæ prærogativa *v.* præscriptio, 53.  
 Posticum, 459.  
 Postliminium, 63.  
 Postscenium, 313.  
 Postsignani, 331.  
 Postulationes, 199.  
 Postulationibus vacare, 198.  
 Postulationum libellus, 223.  
 Potestas, 74. 96. 145.  
 Potestate patrum *v.* populi, esse in — pro, 97.  
 Potestatem habere — gerere, 96.  
 Potitii et Pinarii, 269.  
 Poto — culpâ potare magistrâ, 402.  
 Præceptio, 58.  
 Præceptor, 450.  
 Præcinctus, 362.  
 Præcipere, 58.  
 Præcones, 157.  
 Prædes, 61. 218.  
 Prædia libera — urbana — censui censendo — serva *v.* servituti obnoxia, 51.  
 Prædiator, 162.  
 Præfecti, 144. 148.  
 Præfecturæ, 71.  
 Præfectus, 149.  
 — annonæ *v.* rei frumentariæ, 136.  
 — aquarum, 508.  
 — castrorum, 325.  
 — Celerum, 100.  
 — classis, 136.  
 — militaris ærarii, 136.  
 — morum, 120. 135.  
 — prætorio *v.* prætorii cohortibus, 115. 135.  
 — Augustalis, 149.  
 — urbi *v.* urbis, 134.  
 — classis, classis Misenum — Ravennatis, 136.  
 — vigilum, 137.  
 Præficæ, 419.  
 Præire verba, 85. 251.  
 Præjurationes, 315.  
 Præludere *v.* proludere, 304.  
 Præmia militaria, 334.  
 Prænomen, 29.  
 — servorum, 40.  
 Præpetes, 83.  
 Prærogativa, 85.  
 Præsides, 148.  
 Præstare, 32.  
 — periculum judicii, &c., 50.  
 Præstationes, 201.  
 Prætexta — prætextata amicitia — verba prætextata, 359.  
 Prætor maximus, 109. 137.  
 — urbanus et peregrinus, 110.  
 Prætores, 100. 109.  
 Prætoria auctoritas *v.* sententia, 109.  
 — ornamenta, 112.  
 Prætorianorum castra, 496.  
 Prætorii, 11. 109.  
 Prætorium *v.* augurale *v.* augustale, 323.  
 Prævaricari, 473.  
 Prævaricatio, 230.  
 Pragmaticus, 215. *n.*  
 Prandium — caninum, 377.  
 Prata, 475.  
 Prehensionem habere, 122.  
 Prelum, 395.  
 Prensare, 81, 82.  
 Priapus, 244.  
 Primani, secundani, tertiani, &c., 318.  
 Primipilus posterior, 321.  
 — et primus pilus, 321. *n.*  
 Primo quoque tempore, 16.  
 Princeps *v.* imperator, 96.  
 — equestris ordinis, 24.  
 — juventutis, 24.  
 — Senatus, 151.  
 — sententiæ, 15.  
 Principatus, 5.  
 Principes, 318.  
 — juventutis, 25.  
 Principia, 324.  
 Principibus solita, 22.  
 — Etruriæ, 255. *n.*  
 Principiis transversis, 328.  
 Principium, 74.  
 Prisci Latini, 265. *n.*  
 Privati, 115. 122. 253.  
 Privernates, 43.  
 Privilegia, 21. 160. 195.  
 Procure alium, 212.  
 Processus consularis, 104.  
 Procinctu, in, 55. *n.* 69.  
 Proconsul, 143.

- Procurare**, 213.  
**Procurator Cæsaria**, 149.  
**Procuratores**, 149. 224.  
 ——— **dromi**, 299. n.  
**Prodere auspicio**, 80.  
**Prodictator**, 139.  
**Prodigia**, 255.  
 ——— **procurare**, **expiare**  
 et **avertere**, v. **averruncare**,  
 279.  
**Profliteri**, 76. 117.  
**Proletarii**, 78. 91. 313.  
 527, 528.  
**Proletarius sermo**, 78.  
**Promissor** v. **Repromissor**,  
 205.  
**Promulsis**, 389.  
**Promulsam**, 389.  
**Promus condus**, 391.  
**Propagines**, 479.  
**Proponere in publico**, 140.  
**Proprietor**, 143.  
**Propugnacula**, 352, 353.  
**Proquestor**, 132.  
**Proreta**, 354.  
**Proscenium**, 313.  
**Proscribere tabulam**, do-  
 mum, &c., 54.  
**Proscriptio bonorum**, 188.  
 n.  
**Proserpina**, 242.  
**Proscissæ** v. **prosecta**, 277.  
**Protopraxia**, 58.  
**Provincia**, 105.  
**Provinciæ**, 104.  
 ——— **consulares** —  
**prætoris**, 105.  
 ——— **senatoris** et po-  
 pulares v. **publicæ** —  
**imperatoris**, 141. 151. n.  
**Provincias sortiri**, **parare**  
 v. **comparare**, **partiri**,  
 105.  
**Provocatio**, 44. n. 153. n.  
 189. n.  
**Psephisma**, 71.  
**Psilothrum** v. **dropax**, 375.  
**Publicani**, 24. 61.  
**Pugillares**, 450.  
**Pullarius**, 83. 256.  
**Pulmentum**, 378.  
**Pulpitum**, 313.  
**Pulvinaria** v. **lecti**, 276. 482.  
**Pulvis eruditus**, 451. n.  
**Punctum petere et cæsim**,  
 304.  
 ——— **omne**, 87.  
**Pupæ**, 411.  
**Pupilli**, 59.  
**Purpura**, 372.  
**Puteal Libonis**, 213.  
**Puticulæ**, 422.
- Pyra**, 423.  
**Pyrriche**, 268.  
**Quadræ**, 381.  
**Quadrigæ** — **quadrigari-**  
**orum factiones**, 485.  
**Quadrigati**, 434.  
**Quadringenta**, 23.  
**Quadruplatores**, 223.  
**Quadruplicatio**, 206.  
**Quærere extra ordinem**,  
 114.  
**Quasi testamenta facere**, 36.  
**Quæsitores** v. **quæstores**  
**parricidii**, 217.  
**Quæstio**, 198.  
**Quæstiones**, 226.  
 ——— **perpetuæ** — de  
**repetundis**, de **ambitu**,  
 de **majestate**, de **peculatu**  
 — de **falso** v. **crimine**  
**falsi**, de **sicariis** et **vene-**  
**ficiis**, de **parricidiis** —  
 de **fidei commissis** **jus di-**  
**cere**, 114, 115.  
**Quæstioni præsesse**, **quæ-**  
**rere**, **quæstiones publicas**  
 v. **judicia exercere**, 114.  
**Quæstores**, 130.  
 ——— **candidati** — pa-  
**latii**, 133.  
 ——— **peregrini**, 130.  
 ——— **urbani**, provin-  
**ciales** v. **militares**, 131.  
**Quæstoria ætas**, 133.  
**Quæstorii**, 11. 109.  
**Quæstorium** v. **quæstorium**  
**forum**, 132. 324.  
**Quatuor viri viales**, 133.  
**Qui alia omnia**, 14.  
**Quinarius**, 434.  
**Quincunx**, 329.  
**Quindecimviri sacris faci-**  
**undis**, 261.  
**Quinquatrus** v. **tria**, 288.  
**Quinqueremes**, 348.  
**Quinquentium**, 297.  
**Quinqueviri mensarii**, 143.  
**Quintana**, 324.  
**Quintilis**, 280.  
**Quirinalia**, 288.  
**Quirinalis Mons**, 493.  
**Quirinus**, 246.  
**Quiritare**, 44. 207.  
**Quiritarium dominium**,  
 55.  
**Quirites hesterni**, n. 28.  
**Quisquis ea**, 274.
- Rabula**, 214.  
**Radius et -ii**, 460.  
**Ramnenses** — **posteriores**,  
 22.
- Ramnes celsi**, 90. n.  
**Rapina**, 208.  
**Rates**, 347.  
**Ratio accepti et excepti** —  
 in **rationem inducere**,  
 441.  
**Ratiocinatores**, 454.  
**Rationalis**, 149.  
**Rationes ad ærarium referre**  
 — **confectas et consolida-**  
**tas deponere**, 147.  
**Ratiti nummi**, 434.  
**Re integrâ** v. **peractâ**, 17.  
**Recensum populi agere**,  
 120.  
**Recepta sententia** — **recep-**  
**tum jus**, &c., 166.  
**Receptitia dos** — **receptitius**  
**servus**, 406.  
**Recuperatores**, 146. 210.  
**Redemptores**, 118.  
**Redhiberi**, 33.  
**Redigere in publicum**,  
 152. n.  
**Reditus publicos colligere**  
 et **erogare**, 149.  
**Refractarii**, 314.  
**Refragari**, 82, 83.  
**Regiæ facere** — **regii spiritus**  
 — **regia superbia**, 99.  
**Regifugium** v. **Fugalia**, 103.  
 288.  
**Regina** — **Regia**, 266.  
**Regio Palatina**, **Suburbana**,  
**Collina et Esquilina**, 90.  
**Regiones urbis**, 90.  
**Relationem postulare** —  
**egredi**, 12.  
 ——— **accipere**, 14.  
**Relegatio**, 63. 233.  
**Remancipatio**, 48. 413.  
**Remi**, 350.  
**Remis incumbere** v. **eos**  
**inhibere**, 354.  
**Remorum ordines**, 348.  
**Removere à republicâ**, 124.  
**Rempublicam**, **facere con-**  
**tra**, 17.  
 ——— **adire ad** —  
**capessere**, 132.  
 ——— **ordinare**,  
 151.  
**Remuria**, 289. n.  
**Renunciari**, 88.  
**Repellere à consulatu**, &c.,  
 82.  
**Repetundæ**, 146. n.  
**Replicatio**, 206.  
**Repotia**, 411.  
**Repudium**, 408.  
 ——— **mittere**, 413.  
**Respersio sumptuosa**, 423.

- Respublica**, 57. — *ne quid detrimenti respublica caperet*, 20.  
**Republicâ**, de, *indefinitè* — de summâ *republicâ v. totâ* — de rebus singulis *finitè*, 10.  
**Res corporales et incorporeales**, 50.  
 — *publicæ et privatæ*, 50.  
 — *religiøsæ*, 49.  
 — *sacræ et profanæ*, 49, 50.  
 — *sanctæ*, 49.  
 — *universitatis* — *nul- lius* — *mancipi*, 50.  
**Rescripta**, 112.  
 — *ad libellos*, 21, 195.  
**Resignare**, 56.  
**Responsa prudentium**, 195, 196. *n.*  
**Restibilis ager**, 473.  
**Restituere damnatos in in- tegrum v. judicia**, 216.  
**Retinacula**, 352.  
**Retractare sententiam**, 217.  
**Retrahere, servos fugiti- vos**, 35.  
**Reum facere lege v. legi- bus, interrogare, postu- lare**, 223.  
**Reus**, 82, 198.  
**Rex Sacrorum**, 266.  
 — *nemorensis*, 241. *n.*  
**Rhea**, 242.  
**Rheda**, 486.  
**Ricinium**, 359.  
**Robigus — Robigo**, 247.  
**Robur**, 232.  
**Rogabantur Senatores**, 11.  
**Rogare centuriam**, 87.  
 — *legem*, 88.  
 — *magistratus*, 85.  
 — *regem*, 98. *n.*  
**Rogas, uti**, 87.  
**Rogatio**, 85, 219.  
**Rogationem v. legem ju- bere**, 85.  
 — *accipere*, 88.  
**Rogatores**, 87.  
**Rogus v. pyra**, 423.  
**Romani**, 72.  
**Rorarii**, 318.  
**Rostra**, 351.  
**Rubras majorum leges**, 195.  
**Rubrica**, 195.  
**Rudiarum — rude donati — rudis**, 305.  
**Runcatio**, 474.  
**Rutili v. Rufuli**, 170.  
**Ruta cæsa**, 50.  
**Saburra**, 352.  
**Saccus v. colum**, 395.  
**Sacellum v. ædicula**, 274.  
**Sacer**, 123.  
 — *esto*, 88.  
**Sacerdotes omnium de- orum — uni alicui nu- mini addicti**, 249, 273.  
 — *summorum col- legiorum*, 264.  
**Sacramentum**, 208, 316.  
**Sacratæ leges**, 179, 190.  
**Sacrati milites**, 190.  
**Sacrificium facere v. sacris operari**, 277.  
**Sacrosancti**, 121, 125, 129.  
**Sæculares ludi**, 293.  
**Sagina gladiatoria**, 300.  
**Sagittarii**, 318.  
**Sagma — sagmaria jumen- ta**, 482.  
**Sagum — saga sumere**, 322.  
**Sal Atticum — sales urbanæ, &c.** 388.  
 — *et Sal inum*, 276, 388.  
**Salarium**, 273, 387.  
**Salices**, 475.  
**Salii — Saliare Numæ car- men — epulari Saliarem in modum — Saliarum da- pes**, 267, 268.  
**Salinator**, 62.  
**Salsa mola — salis fruges**, 276.  
**Saltus Saliaris — Fullonius**, 267.  
**Salutare**, 104.  
**Salutatores**, 176.  
**Salutem dicere v. mittere alicui**, 453.  
**Sambuca**, 344. *n.*  
**Samnites**, 301.  
**Sandalium — sandalio com- mitigare caput**, 389.  
**Sandapila**, 418.  
**Sarcophagus**, 425.  
**Sarculatio**, 474.  
**Sarculum**, 472.  
**Sarracum**, 487.  
**Satio**, 474.  
**Satis dare**, 203.  
**Satura lex — per saturam arrogatio**, 88.  
**Saturam, exquirere senten- tias, per**, 88.  
**Saturnalia**, 291.  
**Saturni dies**, 284.  
**Saturnus**, 241.  
**Satyræ v. saturæ**, 306.  
**Scabilla v. scabella**, 310.  
**Scalmus**, 350.  
**Scamna**, 473.  
**Scandulæ**, 456.  
**Scaphæ**, 347.  
**Scapus**, 447, 460, 504.  
**Scarificatio**, 474.  
**Scena versatilis v. duc- tilia**, 312.  
**Scenici artifices**, 305.  
**Scipio eburneus**, 101.  
**Sciscere exilium**, 220.  
**Scorpiones**, 344.  
**Scribâ subjiciente**, 85.  
**Scribæ**, 113, 156.  
**Scribendo, adesse**, 15.  
**Scribere**, 314.  
 — *nummos alicui*, 442.  
**Scrinium v. Capsa**, 450.  
**Scripta duodecim**, 403.  
**Scriptum facere**, 156.  
 — *questorium com- parare*, 156. *n.*  
**Scriptura — scriptuarius ager**, 61.  
**Sculpones**, 366.  
**Scutula v. Tessella**, 479.  
**Scutum**, 319.  
**Secari**, 45.  
**Secespitæ v. cultri**, 280.  
**Sectatores**, 176.  
**Sectio et Sectores**, 45.  
**Sectionem vendere**, 54.  
**Secures**, 99.  
**Securim fascibus adimere**, 101, 158. *n.*  
**Securis dolabrata**, 472.  
**Secutores**, 300.  
**Sedere**, 214.  
 — *in quatuordecim v. equestribus*, 23.  
**Seges**, 473.  
**Segestre**, 380.  
**Segmentum**, 370.  
**Sella v. cathedra**, 483.  
 — *curulis v. curuleebur*, 98.  
 — *primâ sedere*, 491.  
**Sembella**, 435.  
**Semestre aurum**, 320.  
**Semestris dictatura**, 139.  
 — *tribunatus*, 320.  
**Semones**, 246.  
**Senacula v. curiæ**, 9.  
**Senatores arcescebantur, citabantur, in senatum vocabantur**, 8.  
 — *censebant jurati*, 13.  
 — *orcini*, 39.  
 — *pedarii*, 14.

- Senatores jussu populi lecti**, 5.  
**Senatoria aetas**, 5.  
**Senatorium gradum auspicari**, 6.  
**Senatorius census**, 7.  
**Senatorum numerus legitimus**, 10.  
**Senatus**, 2.  
 ——— **consulta**, 195.  
 ——— **consulta vespertina**, 13.  
 ——— **consultum, auctoritas**, 12. 16. *n.*  
 ——— **consultum inducere**, 13.  
 ——— **convocabatur v. cogebatur**, 8.  
 ——— **conveniebat**, 9.  
 ——— **decretum**, 14.  
 ——— **frequens**, 10.  
 ——— **legitimus—indictus v. edictus**, 9.  
 ——— **seminarium**, 4.  
**Senatum dare**, 9.  
 ——— **edicere v. edicere ut senatus adesset**, 8.  
 ——— **referre ad**, 11.  
 ——— **legi in**, 3. 138.  
 ——— **mittere**, 17.  
 ——— **numera** 10.  
**Senatu movere**, 7.  
**Senatui placere—Senatum velle et æquum censere**, 16.  
**Seniores**, 77. *n.*  
**Sententia maximè frequens**, 15.  
**Sententiam dicere**, 12.  
 ——— **ire in**, 14.  
 ——— **pedibus ferre**, 15.  
 ——— **primam pronunciare, ut in eam discessio fieret**, 14.  
 ——— **senatui præstare**, 15.  
**Sententiæ primæ senator—verbo assentiri**, 12.  
**Sentina**, 350.  
**Sepelire**, 417.  
**Sepes**, 476.  
**Sepia**, 448.  
**Septemtrio**, 487.  
**Septemviri epulonum**, 263.  
**Septicollis v. septemgemina urbs**, 492.  
**Septimontium**, 492. *n.*  
**Septum v. ovile**, 86.  
**Sepulchra v. monumenta hæreditaria—gentilia, &c.** 422.  
**Sequestrea**, 82.  
**Seræ**, 458.  
**Serere tertio, quarto, quinto sulco**, 473.  
**Serica vestis**, 371.  
**Serra**, 333.  
**Serranus**, 30.  
**Servare de celo v. cælum**, 83. 257.  
**Servi**, 31.  
 ——— **ab epistolis v. amanuenses a rationibus—actuarii, &c.** 454.  
 ——— **inscripti v. literati**, 35.  
 ——— **producebantur**, 32.  
 ——— **novicii v. venales—pœnæ**, 33.  
 ——— **Orcini v. Charonitæ—medici, chirurgi, scribæ, fabri, pædagogi, &c.** 38.  
 ——— **fructuarii—dotales—ordinarii—receptitii—vicarii—peculiare**, 38. *n.*  
**Serviles literæ**, 34.  
**Servitus**, 31.  
 ——— **cloacæ—non altius tollendi**, 52.  
**Servitutem addici in**, 33.  
 ——— **oneris ferendi—tigni immittendi**, 51.  
 ——— **revocare**, 41.  
**Servitutes**, 51.  
**Sestertium—Sestertia**, 436.  
**Sestertius**, 434. 436.  
**Sexagenarii**, 149.  
**Sextilis**, 153. 280.  
**Sextula**, 59.  
**Sibylla Cumæa—Erythræa**, 262.  
**Sibyllini libri v. versus**, 262.  
**Sica v. harpe**, 301.  
**Sicarii**, 114.  
**Sicilicum**, 59.  
**Sigillaria**, 291.  
**Siglæ**, 165.  
**Sigma**, 381.  
**Signa**, 256.  
 ——— **inferre—a signis discedere**, 330.  
 ——— **nummos depositos, ad**, 132.  
**Signata volumina**, 452.  
**Signatores**, 58. 227.  
**Signiferi**, 330.  
**Signum pugnæ—animo finire**, 258.  
**Silentium**, 84. 257.  
**Silicernium**, 427.  
**Siliquæ**, 475. *n.*  
**Simpulum v. simpuvium**, 280.  
**Sinus—sinum effundere**, 357.  
**Sistere se**, 199.  
**Sitella**, 85.  
**Smegmata**, 369.  
**Socci**, 307.  
**Societatis magister**, 23.  
**Socii**, 61.  
 ——— **navales**, 353.  
**Sodales Titii v. Titienses**, 266.  
**Sol**, 244.  
**Solaria**, 286.  
 ——— **versari, ad**, 287.  
**Solarium**, 463.  
**Soleæ**, 365.  
**Solemnia**, 12.  
**Solidus**, 435.  
**Solum**, 382.  
 ——— **Italicum**, 66.  
**Sordidatus**, 82.  
**Sors**, 131. 440.  
 ——— **excidit**, 259.  
**Sortes Virgilianæ**, 259.  
**Sortibus æquatis**, 85. 259.  
**Sortilegi**, 259.  
**Sortiri consilia semestria**, 10.  
**Sortitio**, 85. 225.  
**Sortitò mittere**, 148.  
**Spartores v. Sparsores**, 299. *n.*  
**Spatium**, 295. *n.*  
**Speciosi v. illustres equites**, 23.  
**Spectaculorum editor**, 294. *n.*  
**Spectare in equite**, 23.  
**Spectio v. inspectio**, 84.  
**Specularia—specular cornu**, 465.  
**Speculatores**, 327.  
**Speculum**, 368.  
**Sphæristerium**, 383.  
**Spina**, 294.  
**Spinther**, 371.  
**Splenium v. emplastrum**, 369.  
**Spolia opima**, 336.  
**Spoliarium**, 303.  
**Spondæ**, 380.  
**Sponsio**, 203.  
**Sponsionem, per**, 65. *n.*  
**Sponsionis pignus—sponsionem facere—sponsione v. sacramento provocare, rogare, quærere, stipulari, &c.** 203. 204.

- Sponsores**, 218.  
**Sponsus et sponsalia**, 408.  
**Sportula**, 71. 215. 393. *n.*  
**Sportulæ**, 361.  
**Stadia**, 501.  
**Stadium**, 443.  
**Stamen**—**stamine** nondum abrupto mori, 243. *n.*  
**Stapizæ v. stapedæ**, 390.  
**Stare** — stare recto talo, placere, 308.  
**Stationes**, 325.  
**Stator** — **statores prætoril**, 160.  
**Statu v. gradu stare**—**statu** deturbari — **dejici**, &c. 304.  
**Stega**, 352.  
**Sterquilinium**, 471.  
**Stibadium**, 381.  
**Stigmatias**, 35.  
**Stillicidium**, 52.  
**Stimulus**, 469.  
**Stipendiarii**, 67.  
**Stips**, 432.  
**Stipulatio**, 182. 205.  
**Stipulator et astipulator**, 205.  
**Stirpes**, 28.  
**Stola**—**stolatus pudor**, 358.  
**Stolones**, 478.  
**Stragula vestis**, 380.  
**Stramen**, 460. 477.  
**Strenæ**, 55. 433.  
**Strigæ**, 325.  
**Strigare**, 472.  
**Strigilis**, 386.  
**Strophium**, 370.  
**Structor**, 391.  
**Struppi**, 311.  
**Stylobates**, 504.  
**Stylus v. graphium**—**stylo** abstinere — **stylum** vertere, 448.  
**Subbasilicarii**, 506.  
**Subligaculum v. subligar**, 309.  
**Subornati**, 227.  
**Subrogatus v. suffectus est** (consul), 101.  
**Subrostrani**, 506.  
**Subscribere iudicium v. dicam**, 201.  
**Subscriptio censoria**, 117.  
**Subscriptores**, 223.  
**Subsellia**, 11. 39.  
 — **bis septena**, 113.  
**Subsellii imi vir**, 39.  
 — **longi iudicatio** —  
 — **habitare in subselliis**  
 — **a subselliis** — **versatus**  
 in utrisque subselliis, 113.  
**Subsidia**, 392.  
**Subsignani**, 343.  
**Subsortio**, 194.  
**Substructio**, 507. *n.*  
**Subtemen**, 460.  
**Subterfugere censum aut militiam**, 33.  
**Subucula**, 364.  
**Succida**, 460.  
**Succolare aliquem**, 484.  
**Sudarium**, 365.  
**Sudatoria**, 385.  
**Suffibulum**, 271.  
**Suffitio**, 426.  
**Sufflumen**, 491.  
**Suffragia occulta v. tacita**, 86. 94.  
 — **aperta**, 94.  
 — **dirimere**, 87.  
**Suffragium inire v. ire in**, 85.  
 — **mittere in**, 85.  
 — **referre**, 87.  
 — **revocare in**, 86.  
**Suggestum**, 74. 112. 302.  
**Suggrundarium**, 417.  
**Sulci**, 473.  
**Summo jure agere**, 163.  
**Suovetaurilia**, 79.  
**Suppara**, 351.  
**Supplicatio**, 275.  
**Surculi**, 479.  
**Suspensa bona**, 54.  
**Sylvanus**, 246.  
**Symbolam dare** — **asym-**  
**bolus ad coenam venire**, 374.  
**Symbolum**, 326.  
**Syngrapha**, 205. 450.  
 — **agere ex**, 206.  
**Synthesis**, 386.  
**Syrma v. Stola**, 308.  
**Tabella damnatoria et absolutoria**, 229.  
**Tabellarizæ leges**, 86.  
**Tabellarius**, 453.  
**Taberna**, 454. *n.*  
**Tabernaculum**, 83.  
**Tablinum**, 459.  
**Tabula v. tabella**, 54.  
 — **votiva**, 275.  
**Tabulæ**, 56. 226. 227.  
 — **accepti et expensi**, 131. 228. 441.  
 — **exiguæ**, 373. *n.*  
 — **novæ**, 45.  
 — **proscriptionis** —  
 tabulæ Syllæ, 174. *n.*  
 — **secundæ**, 57.  
**Tabulam proscribere** — **ad**  
**tabulam adesæ**, 54.  
**Tabularium**, 17.  
**Tabulas accepti et expensi**  
 conficere *v.* **domesticas**  
**rationes scribere**, 228.  
**Tabulata**, 52.  
**Tacitum consultum**, 15.  
**Talaria**, 240.  
**Talentum**, 436.  
**Tali**, 402.  
**Talio**, 232.  
**Tarpeius mons**, 493.  
**Tatienses**, 22. 89.  
 — **posteriores**, 22.  
**Taurea**, 368.  
**Taurino vultu** — **tauriformis** amnis, 248.  
**Tegulæ**, 463.  
**Tela**, 460.  
 — **et arma**, 319.  
**Temo**, 488.  
**Temone sedere**, **labi v. excuti**, 491.  
**Tempestivum convivium**, 377.  
**Templa**, 274.  
**Templum**, 74. 83. 257. *n.*  
 — **effari**, 257.  
**Tepidarium**, 385.  
**Terminalia**, 288.  
**Terminus** — **Dii Termini**, 247. *n.*  
**Teruncius**, 435.  
**Terripavium**, 83.  
**Tessella**, 491.  
**Tessera** — **tesserarius**, 326.  
 — **hospitalitatis**, 388.  
**Tesseræ**, 402.  
**Tesseram confringere**, 389.  
**Testæ**, 399.  
**Testamentarius**, 56.  
**Testamenti nuncupatio**, 56.  
**Testamentum** — **testamentum** dictare, obsignare, recognoscere, inducere, &c., 56.  
 — **inofficiosum**, 57.  
**Testes**, 226.  
 — **dare, adhibere, citare, colligere, edere, proferre, subornare v. producere, &c.** — **testium depositiones**, 227.  
**Testimonium denunciare alicui**, 227.  
**Testudine factâ**, 343.  
**Testudines**, 345.  
**Textores**, 460.  
**Thalamægi**, 349.  
**Thalamitæ**, 348.  
**Thalassio v. Hymenæus**, 410. *n.*  
**Theatrum**, 311.  
**Thensa** — **thensam deducere**, 486.



- Thermæ**, 385.  
**Thermopolium**, 394.  
**Tholus**, 464.  
**Thranizæ**, 313.  
**Tibiæ** — dextræ — sinistrae, pares — impares — Lydiæ — Phrygiæ, 310.  
**Tibialia**, 365.  
**Tirocinium**, 361.  
**Tirones**, 361.  
**Titulum**, mittere sub, 54.  
**Titulus**, 399.  
 — v. *inscriptio*, 32.  
**Toga**, 357.  
 — candida — alba, 81.  
 — pexa, 358.  
 — picta v. palmata, 103. 359.  
 — prætexta, 99. 359.  
 — pulla, 359.  
 — sordida, 220.  
 — virilis — pura, 360. 361. n.  
**Togam componere**, 358.  
**Togata gens**, 357.  
**Togatæ** (*Comædiæ*), 307.  
**Tolleno**, 345. n.  
**Tollere filium**, 47.  
**Tomentum** — Circense — Lingonicum, 380.  
**Tonsores**, 376.  
**Topiariam facere**, 468.  
**Topiarii** — Topiarium opus, 468.  
**Toral**, 370.  
**Torcular** — Torculum v. prelum, 395.  
**Toreumata**, 400.  
**Torques**, 335.  
**Torus et -al**, 380.  
**Trabea**, 99. 257.  
**Tragedia**, 308.  
**Traducere equos**, 24.  
**Traha**, 484.  
**Trahere candidatum**, 82.  
**Trama**, 461.  
**Transfugæ**, 341. n.  
**Transire in alia omnia**, 14.  
**Translatio dominii v. proprietatis**, 52.  
**Translatitium**, 88.  
**Transvectio equitum**, 24.  
**Transverso foro**, 166.  
*mobiles* **Tria verba**, 110.  
**Triarii**, 318.  
**Triarios**, ventum est ad, 333.  
**Tribu movere e**, 39. n. 91.  
**Tribula**, 477.  
**Tribunal**, 85. 112.  
**Tribuni ærarî**, 170.  
 — comitiati et rufuli, 170.  
 — laticlavii, 320.  
 — legionarii, 170.  
 — militares, 95. 320.  
 — plebis, 121.  
**Tribunitii**, 11.  
**Tribunorum auxilium**, 13.  
**Tribunus**, 99.  
 — celerum, 99. 100.  
**Tribus prærogativa**, 86.  
 — rusticæ et urbanæ, 2. 90.  
**Tributum** — ex censu — in capita — temerarium, 60.  
**Triclinium**, 379.  
**Trilix**, 460.  
**Trinum nundinum**, 80. 179. 284.  
**Triones septem** — Gemini, 487.  
**Triplicatio**, 206.  
**Tripodes**, 280.  
**Tripudium Solistimum**, 83.  
**Tripus** — Tripodas sentire, 263.  
**Triticum**, 474.  
**Triumphus**, 336.  
**Triumphe Io**, 339.  
**Triumviri capitales** — monetales — nocturni, 138.  
 — epulones, 263.  
 — reipublicæ constituendæ, 96.  
**Trochus et Turbo**, 383.  
**Trojæ ludus**, 298.  
**Tropæa**, 506.  
**Tuba**, 326.  
**Tullianum**, 232.  
**Tumultus** — tumultuarii, 315.  
**Tumulus inanis v. honorarius v. cenotaphion**, 414. 429.  
**Tunica**, 362.  
 — laticlavia — palmata, 363.  
 — molesta, 234.  
 — recta, 363. 408.  
**Tunicatus populus v. tunicati**, 363.  
**Turba forensis**, 26.  
**Turma**, 22. 321.  
**Turres mobiles v. ambulatoriæ**, 345.  
**Tusci libelli**, 276. n.  
**Tutela**, 59.  
 — legitima, 59.  
**Tutelæ iudicium**, 60.  
**Tutores**, 59.  
**Tutulus v. pileus**, 253.  
**Tympānum**, 488.  
**Udonea**, 366.  
**Ultrotributa**, 118.  
 — locare, v. conducere, 118.  
**Umbilicus** — ad umbilicum adducere, &c. 449.  
**Umbo**, 357.  
**Umbrae**, 380.  
**Uncia**, 58.  
**Unctuarium**, 386.  
**Unguenta**, 387.  
**Unguentarius**, 386.  
**Univira**, 414.  
**Unum pro omnibus v. tribus**, 112.  
**Urbem, esse ad**, 147.  
**Urbes**, 69.  
**Urna** — feralis, 425.  
 — iudicum, 225.  
**Ursa Major v. Parrhasis Arctos v. Hæcæ**, 487.  
**Ursa Minor**, 487.  
**Ustriculæ**, 375.  
**Ustrina**, 423.  
**Usucaptio**, 53. 55. n.  
**Usura**, 440.  
 — centesima, 440.  
**Usurpatio**, 53.  
**Usus**, 51. n. 55. 404.  
 — auctoritas, 53.  
 — fori, 168.  
**Usufructus**, 55.  
**Utres**, 395.  
**Uva**, 481.  
**Uxor**, 409.  
**Vacatio militiæ**, 314.  
**Vacantia bona**, 72.  
**Vacuna**, 247.  
**Vadari reum**, 201.  
**Vades**, 201. 218.  
 — dare v. promittere, 201.  
**Vadimonium concipere** — differre — sistere — deserrere, 201.  
 — esse in, 201.  
**Vale**, 453.  
**Vallum**, 323.  
**Valvæ**, 457.  
**Varietas** — sine ulla varietate, 15.  
**Vasarium**, 144.  
**Vates v. vaticinatores**, 260. 268.  
**Vaticanus**, 494.  
**Vectigal**, 60.  
**Vectigales**, 67.  
**Vectigalia**, 61. 185.  
 — conducere, 23.

- Vector fulminis, 491.  
 Vectores, 491.  
 Vehes, 487.  
 Vehicula, 482.  
 Vejovis, 248.  
 Vela — pandere vela — in-  
 tendere brachia velis —  
 vela facere — subducere —  
 remigio veloque, 351.  
 Velati, 77.  
 Velites, 318, 319. 322.  
 324. 329. 332.  
 Venales Syri, 32. *n.*  
 Venalitii *v.* Mangones, 32.  
 Venatio, 298.  
 Veneris Mensis, 238.  
 Ventī altani *v.* apogaei —  
 tropaei, 482.  
 Ventilabrum, 477.  
 Venus — dicendi Veneres,  
 238.  
 — *v.* jactus Veneres  
*v.* basilicus, 402.  
 Ver sacrum, 274.  
 Verba facere, 13.  
 — novissima, 425.  
 Verbena, 279.  
 Verbis directis, 38.  
 — imperativis, 57.  
 — precativis, 39. 57.  
 Verbera, 232.  
 Verbero, 35.  
 Vergiliæ, 490.  
 Vernacula lingua — vernæ,  
 33.  
 Versuram facere, 177.  
 Versus Fescennini, 306.  
 Vertere cadum, 396. — Dii  
 benè vertant, 408.  
 Vertigo, 38.  
 Vertumnus — Vertumnus  
 natus iniquis, 247.  
 Vervactum, 473.  
 Vespillones, 418.  
 Vesta, 236.  
 — æterna, 271.  
 Vestem mutare, 220.  
 Vestes variæ, 371.  
 — Attalicæ, 461.  
 Vestes bombycinæ — sericæ  
 — holosericæ, 371. *n.*  
 Vestibulum, 457.  
 Vestimenta forensia, 362.  
 — Syrmatina, 461.  
 Vestis serica, 371.  
 — servilis, 376.  
 — sordida, 220.  
 — stragula, 380.  
 Veterator — servi vetera-  
 tores, 53.  
 Veto, 122.  
 Vexillarii, 391. 343. 534.  
 Vexillum, 331. 335.  
 Viæ publicæ, 510.  
 — aciei, 329.  
 — castrorum, 235.  
 Viales quatuor viri *v.* vi-  
 ocūri, 133.  
 Viam munire, sternere,  
 509.  
 — inire et redire, 203.  
 Viaticum, 144.  
 Viatores, 159.  
 Vicarius, 135.  
 — servi, 36.  
 Vicesima, 62.  
 — hæreditatum, 62.  
 Vicesimarium aurum, 62.  
 Victima, 276. *n.*  
 Victoriati, 434.  
 Videtur fecisse, 229.  
 Vidua, 22. *n.*  
 Vigilia, 286. 325.  
 Villa et villicus, 34. 466.  
 469.  
 Villa publica, 79.  
 Villicus amphitheatri, 303.  
*n.*  
 Viminalis mons, 494.  
 Vina horna — fugacia, 398.  
 Vinaceus acinus, 481.  
 Vincula, 232.  
 Vindemia, 481.  
 Vindex *v.* expromissor, 45.  
 Vindicare in libertatem, 38.  
 Vindicatio *v.* vindiciæ, 207.  
 Vindiciæ, 202.  
 Vindicta, 38.  
 Vineæ, 345.  
 Vinetum restibile, 480.  
 Vinum condire — medicari  
*v.* concinnare, 398.  
 — descendere, 396.  
 — dominicum, 400.  
 Virgines Vestales, 270.  
 Visceratio, 278. 427.  
 Vitem poscere — gerere —  
 vite donari, 321.  
 Vites compescere, 480.  
 Vitio tabernaculum captum  
 — creati *v.* vitiosi — lex  
 lata — dies dicta, &c., 83.  
 — carere, 84.  
 Vitis compluviata — uni-  
 juga, 480.  
 Vitium in auspicio fuisse —  
 obvenisse, 83.  
 Vitrea specularia, 465.  
 Vittæ, 265. 369.  
 Vittata sacerdos, 271.  
 Vitulinum sc. corium, 448.  
 Vivaria, 298. 467.  
 — mittere in, 467.  
 Vivicomburium, 234.  
 Viviradices, 479.  
 Volones, 36.  
 Volsellæ, 370.  
 Volumen, 449.  
 Vomitoria, 302.  
 Vomunt ut edant, 392.  
 Vota facere — suscipere —  
 concipere — nuncupare,  
 274.  
 — valent *v.* sunt rata —  
 cadunt *v.* sunt irrita —  
 vota reddere *v.* solvere,  
 voti compos, damnatus,  
 275.  
 Vulcanus *v.* Mulciber, 239.  
 Xenia, 55. 404.  
 Xystus, 298.  
 Zeta, 463.  
 Zeugitæ or zeugioi, 348.  
 Zona, 362. *n.*  
 Zotheca, 463.

# I N D E X

OF

## PROPER NAMES AND THINGS.

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**Accusæ** in a criminal trial, 222.  
**Actions** real, 201. ; personal, 214. ; penal, 207. ; mixt, 209.  
**Admiral** of the fleet, 136.  
**Advocates**, sometimes hired persons to applaud them while speaking, 215.  
**Ædiles**, plebeian and curule, 128.  
**Ægypt**, prediction concerning, 149. ; **Ægyptian year**, 283.  
**Ælius Catus**, why called wise, 165.  
**Æneas**, the names of, 246.  
**Æolus**, god of the winds, 248.  
**Æsculapius**, worshipped, 240.  
**Affronts** punished, 209.  
**Agriculture**, encouraged, 469.  
**Agrippa**, his advice to Augustus, 150. ; builds the Pantheon, 499. ; and the harbour of Misenum, 353. ; constructs pillars in the Circus, 295. ; and several aqueducts, 507.  
**Allies**, forces of, how raised and supported, 316. ; where posted, 322. ; in the camp, and why, 324. ; on march, 327. ; and in battle, 329.  
**Altars**, 279. ; a place of refuge, 280.  
**Amalthea**, the sibyl, 261.  
**Ambustus**, his daughters occasion an important change in the government, 106.  
**Animals**, how yoked, 489. ; and driven, 490.  
**Annalis**, L. Villius, proposed a law to regulate the age for enjoying offices, 98.  
**Annals**, how composed, 252.  
**Antonius**, C. expelled from the senate, 7.  
**Antonius**, M. blamed for his marriage, 407. ; offers a crown to Cæsar, 269. ; his profusion, 439.  
**Apicius**, his luxury and death, 439.  
**Apollo**, names of, 240.  
**Appeal**, liberty of, 101.  
**Aqueducts**, 507.  
**Arches**, triumphal, 506.

**Ashes and bones** of the dead, how gathered, 425. ; and deposited, 425.  
**Assemblies** of the people, 72. ; by curia, 73. ; by centuries, 75. ; by tribes, 82. ; broken off by what, 84. ; manner of holding the assemblies by centuries, 85. ; by tribes, 93. ; nocturnal assemblies prohibited, 177.  
**Assian stone**, coffins of, 425.  
**Athletic games**, 297. :  
**Auction**, form of, 53.  
**Augurs**, 254.  
**Augustus** reforms the senate, 6. ; limits the time of its meeting, 10. ; regulates the comitia, 94. ; gives his vote as any ordinary citizen, 94. ; becomes master of the empire, 96. ; declines the title of censor, 120. ; invested with the tribunitian power, 128. ; rejects the dictatorship, 140. ; consults with Agrippa and Mecænas about resigning his power, 150. ; makes a new partition of the provinces, 148. ; and first appoints salaries to the provincial magistrates, 149. ; his descendants might have long enjoyed the sovereignty, if he had possessed the wisdom to have imposed on himself and his successors proper restraints against the abuse of power, 150. ; artfully establishes his authority, 151. ; titles conferred on him, 151, 152. ; power granted to him, 153. ; vows made for his safety, 154. ; rules at first with great moderation, 155. ; gradually enlarges his power, 155. ; so humbled the spirit of the Romans that they never after made any joint effort to recover their liberty, 155. ; allows only particular persons to answer on questions of law, and obliges the judges to follow their opinion, 167. ; changes the mode of enacting laws, 195. ; assumes the office of Pontifex Maximus, 253. ; his superstition,

- 275; the month August called from his name, and why, 280.; this said to be done by an order of the people, 153.; restricts the license of divorcees, 413.; stations fleets in different places, 353.; his ring, 373.; wears several tunics, 364.; did not shave till twenty-five, 374.; sometimes clipped his beard and sometimes shaved, 375.; the sum he received in legacies, 438.; a civic crown and two laurel branches set up before his gate, 385.; puts to death some who refused to enlist, 314.; refuses the title of Dominus, 451.; adorns Rome, 456.; his vanity on recovering from the Parthians the spoils taken from Crassus, 501.; his death, 151.; his tomb, 428.
- Auspices**, manner of taking, 83.
- Bacchus**, his orgies, 243.; festival of, 288.
- Bachelors**, punishment of, 187.
- Badges of the senators**, 7.; equites, 23.; kings, 99.; consuls, 101.; prætors, 112.; and emperors, 155.
- Bail**, form of, 200.
- Ball**, game of, four kinds, 383.
- Barbers**, first introduced from Sicily, 374.
- Baths**, of different kinds, 385.; first built, 385.; parts of, 385.; time and manner of bathing, 382.
- Beard**, how shaven, 374.
- Bears**, constellation of, 487.
- Belt or girdle**, when used, 362.
- Bibulus**, weak conduct of, 179.
- Bonds**, used in all important contracts, 205.
- exchanged between Augustus and Antony, &c. 206.
- Bona Dea**, festival of, 289.
- Books**, kinds of, 450.
- Boötes**, constellation, 487.
- Bracelets**, 370.
- Breeches** not worn by the Romans, 365.
- Bridges**, number of, 512.
- Brutus**, the conspiracy of his son, 38.
- Burial**, places of, 422.
- Burning the dead**, custom of, whence derived and when dropt, 416.; what persons were not burnt, 417.; why forbidden in the city, 421.
- Buying and selling**, form of, 204, 205.
- Cadmus**, brought letters into Greece, 446.
- Cære**, the people of, receive the Vestal Virgins, 42.
- Cæsar**, Julius, vilifies the authority of the senate, 20.; abridges the rights of the people, 93.; oppresses the liberty of his country, 96.; province appointed to him by the senate, 106.; reduces the power of the consuls, 108.; made perpetual dictator, 139.; makes a review of the people, 120.; his pretext for crossing the Rubicon, 124.; his popular laws, 179.; proposed to arrange all the laws, 181.; an instance of his surprising presence of mind, 258.; warned of his death, 277.; regulates the year, 282.; the saying of Sylla concerning him, 362.; divorces Pompeia, and why, 412.; his attention to dress, 362.; why pleased with a laurel crown, 367.; his ring, 373.; his debts and bribes, 438.; manner of writing his letters to the senate, 452.; about things he wished to keep secret, 454.; murdered in the Senate-house, 95.; a temple and priests consecrated to him, 155. 268.; senators slain at his altar, 279.
- Calendars**, why so called, 251.
- Calpurnia**, the dream of, 464.
- Camp**, form of, 323.
- Candidates**, their dress and manner of canvassing, 81.; how elected, 87.
- Capital trials**, 220.
- Capitoline marbles**, why so called, 251.
- Capua** punished, 66.
- Carriages**, 482.
- Carvilius Ruga**, the first who divorced his wife, 412.
- Castor and Pollux**, 246.
- Cato**, ordered to be sent to prison, 13.; sent to reduce Cyprus, 178.; his dress, 362.
- Cavalry**, how chosen, 315.; their arms and dress, 320.; their place in the camp, 324.; and in battle, 329.
- Ceilings**, how adorned, 466.
- Censorinus**, whence called, 120.
- Censors**, their institution, 115.; their office, 116.; their power, 116, 117.; discontinued under the emperors, 120.
- Centurion**, badge of, 320.
- Cerberus**, 248.
- Ceres**, 296.; her mysteries, 286.
- Chariot-races**, 295.
- Charon**, ferryman of hell, 248.
- Chimneys**, anciently not used at Rome, 462.
- Chorus**, why suppressed, 309.
- Christianity** established by Constantine, 62.
- Christians**, their meetings prohibited, and why, 177.; often exposed to wild beasts, 298.
- Cicero** unites the senate with the equites, 20.; gets the province of Cilicia against his will, 106.; made quaestor, 5.; called father of his country, 152.; hindered by a tribune from making a speech to the people when he resigned his consulship, 104.; promotes the

- ambitious designs of Caesar, contrary to his own judgment, 144.; is banished, 173.; his laws, 193.; the senate change their habit on his account, 220.; his death, 225.
- Cities, formalities in founding, 69.; in destroying, 70.; their walls sacred, 70.
- Citizens, rights of, 41.; could not lose the freedom of the city against their will, 63.; could not be scourged, 189.
- Civil law, study of the, revived in Europe, 197.
- Civil trials, 198.
- Classes into which the people were divided, 77.; whence classes of scholars, Quinctil. i. 2. 23. x. 5. 21.; and of workmen, Columella, i. 9. 7.
- Claudius App. decemvir, 142.
- Cæcus, supposed cause of his blindness, 269.
- emperor, abridges the number of holydays, and why, 292.
- P. punished for slighting the omens, 256.
- Clients, dote given to, 393.
- Cloacina, 247.
- Clodius restricts the powers of the censors, 120.; adopted by a plebeian, 46.; made tribune, 121.; the enemy of Cicero, 121.; his laws, 172.; tried for violating the sacred rites of the Bona Dea, 176.; killed by the slaves of Milo, 188.; and burnt in the forum, 423.
- Cloth, how wrought, 459, 460.
- Clothes of different kinds, 371.
- Coffin, 418.; how deposited, 425.
- Coins, kinds of, 433.; put in the mouth of the deceased, 416.
- Colleges of priests, 264.
- Colonies, manner of settling, 68, 69.; of different kinds, 70.
- Columns, kinds of, 504.
- Comedy, ancient, middle, and new, 307.; writers in each, 307.
- Command, military, how conferred, 74.
- Consecration of the emperors, 430.
- Consentes, gods so called, 241.
- Constantinople taken by the Turks, 72.
- Consuls, respect shewn them by the senate, 11.; by others, 102.; their powers, 102.; when instituted, 94.; their badges, 101.; time of the entering on their office, 103.; with what solemnities this was done, 104.; their provinces, 104.; from what order created, 106.; their state under the emperors, 108.; consuls elect, first asked their opinion in the senate, 11.; and why, 103.
- Cooks from Sicily, 390.
- Corn given to the poorer citizens, 171.
- Coruncanus, the first who gave his advice freely, 166.; first plebeian Pontifex Maximus, 250.
- Couches, for reclining on at meat, 379.; usual number in a room, 380.; their form, 381.; and covering, 380.; funeral couches, 418.
- Criminals, dress of, 220.; after sentence used anciently to be punished without delay, but this was altered by Tiberius, 231.; how treated after death, 233.
- Crowns, given as rewards, 334.; used at feasts, 387.; put on the head of the deceased, 416.
- Cupid, 238.
- Cups, kinds of, 400.
- Curio, turns two theatres into an amphitheatre on the same day, 311.; his corruption and fate, 438.
- Curius Dentatus, 378.
- Cybele, priests of, 269.
- Cyclops, 239.
- Cypress, used at funerals, 416.
- Damage repaired, 208.
- Daughters, how named, 31.
- Day, division of, 286.; common and holy days, 287.
- Debtors, cruel law concerning, 45.
- Decamping, manner of, 327.
- Decemvirs, why created, 140.
- Dessert, fruit and sweet-meats, 390.
- Devoted to one's service, origin of the phrase, 153.
- Dials, first invented, 286.
- Diana, 241.
- Dice, game of, 402.
- Dictator, first made, 13.; causes of creating this magistrate, 13.; his badges and power, 138, 139.; this office intermitted for 120 years before Sylla, 140.; abolished after the death of Cæsar, 140.
- Dishea, kinds of, 389.; how brought in, 391.
- Divorces, forms of, 411, 413.
- Dogs employed to guard the temples, 458.; why impaled, 458.
- Donations, kinds of, 54.
- Door, opened outwards, 457.; secured by bars, 458.
- Dowries, diversity of, 405.
- Dramatic entertainments, first introduced from a religious motive, 305.; often interrupted by the people calling for other shows, 310.
- Dress of men, 357, 358.; in public and private, 362.; of women, 358, 368—370.; of boys and girls, 359—361.; of soldiers, 322.; of generals in a triumph, 359.; of senators, 363.; of priests, 257, 359.; of poor people, 359.; of slaves, 376.; of the dead, 416.
- Drinking healths, 401.
- Driver of carriages, 490.
- Drusus, Livius, laws of, 283.; and death, 283.; his saying about his house, 439.

Ear-rings, 370.  
 Edicts of the prætor, 110. ; of other magistrates, 111.  
 Election of magistrates under the republic, 86. ; under the emperors, 94.  
 Embalming, cause of it, 421.  
 Emperors, their titles, 152. ; their power, 153. ; their badges, 155.  
 Entertainments, expences of, limited by law, 202. ; of different kinds, 392.  
 Entrails, how inspected, 277.  
 Ephōri at Sparta, resembled the tribunes at Rome, 123.  
 Epitaph, form of, 430.  
 Equestrian order, its institution, 22. ; badges and office, 23.  
 Estimate of fortunes, how made, 76.  
 Evidence, kinds of, 226.  
 Exceptions, how expressed, 206.  
 Executioner, 159.  
 Exercises, kinds of, 383. ; in the army, 327.  
 Fabius, his manner of declaring war on Carthage, 357.  
 Fabius Maximus, prodictator, 139.  
 Falsehood, punished, 118.  
 Family, right of, 46.  
 Fanatics, whence called, 260.  
 Farmers, kinds of, 469, 470.  
 Fascinus, 247.  
 Fates, 243.  
 Faunus, 246.  
 Fences, kinds of, 476.  
 Fertility of different soils, 474.  
 Festivals, stated, 287. ; moveable, 291. ; occasional, 292. ; number of, hurtful, 292.  
 Fines, extent of, 170.  
 Fishponds, value of, 440.  
 Flamen of Jupiter, 267.  
 Flaminius, destruction of, 138, 139.  
 Plautus, why made ædile, 165.  
 Flax, for what used, 475.  
 Fleet, Roman, where stationed, 353.  
 Flora, 247. ; festival of, 289.  
 Flutes of different kinds, 309.  
 Foreigners, their state at Rome disagreeable, 72.  
 Foundlings, state of, Plin. Ep. x. 71, 72.  
 Fox, why burnt as a sacrifice to Ceres, 237.  
 Freedmen, insolence of, 462.  
 Freedom of the city, first granted to physicians and the professors of the liberal arts by Cæsar, 180.  
 Friends, how some testified their affection, 424.  
 Funerals, why so much attended to, 414. ; public and private, 417. ; funeral couches, 418. ; private funerals celebrated by night and public by day, 419. ; ceremonies of both, 419, 431. ; funeral

procession, 419. ; funeral oration, 420. ; first made by Poplicola, in honour of Brutus, 421. ; and by Catulus, in praise of his mother Popilia, 421. ; funeral pile, 423. ; animals thrown into it, 424. ; some persons come to life on it, 424.  
 Furies, 243.  
 Games, ordinary and extraordinary, 293. ; of the circus, 293.  
 Gardens, 466.  
 Gates, how adorned, 458.  
 ——— of Rome, 495.  
 Genius, 244.  
 Germans, their manner of forming conjectures about futurity, 259.  
 Gladiators, different kinds of, 300, 301. ; where exhibited, 301. ; their manner of fighting, 304. ; prizes given to the victors, 305.  
 Glass, invention of, 465.  
 Government of Rome, originally aristocratical, 78. ; brought to a just equilibrium, 126. ; worst kind of despotism under the Emperors, 150, 156.  
 Gracchi, their laws, 190, 191. ; and fate, 127.  
 Graces, 238.  
 Grain, kinds of, 474, 475.  
 Guardians, appointment of, 59.  
 Hair, perfumed at feasts, 387. ; how dressed by women, 368. ; by men, 374. ; not cut at sea, 376. ; method of pulling out small hairs, 375.  
 Harbours, how fortified, 355.  
 Hay, making of, 476.  
 Heathens, whence named, 62.  
 Heirs, how appointed, 57.  
 Helena, 246.  
 Heliogabalus, first wore a robe of pure silk, 371.  
 Heralds or public criers, 157.  
 Hercules, his labours, 245.  
 Hermodorus, 141.  
 Hero, his regulations concerning the letting of lands in Sicily adopted by the Romans, 178.  
 Hieroglyphics, use of, 446.  
 Hills of Rome, 492, 494.  
 Hospitality inviolable, 388, 389.  
 Hour-glasses, 214.  
 Household gods, 244.  
 Houses, regulations concerning, 51, 52, 456, 457. ; rent and prices of, 439.  
 Human sacrifices, 279.  
 Hymen and Hymeneus, 410.  
 Idolatry, origin of, 421.  
 Illegitimate children, state of, 407.  
 Images, what and where kept, 27. ; carried at funerals, 420, 421.



- Indian wise men burnt themselves, 416. ; also wives on the piles of their husbands, 424.
- Infants, often exposed, 46, 47.
- Ingrafting, manner of, 479.
- Inheritance, form of entering upon, 59.
- Injuries, how punished, 208.
- Inns, anciently few, 388.
- Instruments used in writing, 448. ; in husbandry, 471, 472. ; for fixing burdens on the backs of slaves, 483. ; for driving animals in a carriage, 489.
- Interest of money, 440.
- Interrex, particulars concerning, 93. 99. 100.
- Interring the dead, most ancient, 416. 425. ; and most natural, 416.
- Isaerius revives the study of the civil law, 197.
- Italians, their right, 65.
- Janus, how represented, 242.
- Jews, their manner of burial, 424.
- Judges of different kinds, 210. ; appointment of, 212. ; chosen from what order, 221.
- Judgment, manner of pronouncing, 215. ; its effects, 216.
- Jugurthine war, 127.
- Julian year, 282.
- Juno, how represented, 235.
- Jupiter, his name and attributes, 235.
- Kings, 98.
- Landed estates too large, hurtful, 478. ; the value of lands in Italy raised by a law of Trajan, 478.
- Lartius, first dictator, 137.
- Latin tongue, the Italian states prohibited the use of it, 407.
- Latins, their rights, 64.
- Laurentia, nurse of Romulus, 264.
- Laverna, 246.
- Laws of Rome, at first few, 140. ; of the twelve tables, 141. 164. ; causes of new laws, 160. ; time between proposing and passing a law, 80, 81. ; how passed, 85. 87. ; certain laws excite great contention, 126. ; by what name distinguished, 160. ; species of the Roman law, 163, 164. ; laws of the emperors, 195, 196. ; collected by the order of Justinian, 196.
- Lawyers, origin of, 165, 166. ; manner of consulting them, 166. ; under the republic not permitted to take fees, 166. ; limited to a certain sum under the emperors, 166, 167. ; their education, 168. ; eminent lawyers, 167.
- Leda, 246.
- Legacies, how left, 58.
- Legions, how many raised at different times, 314. ; 'division of each, 317. ; officers, 320.
- Lentulus, degraded, 7.
- Letters of the alphabet, 448. ; epistles, 453. ; ingenious modes of conveying them, 454.
- Liberty, whence the loss of it may be dated, 127. ; causes of its subversion, 127. 150. &c.
- Libraries, 455.
- Licinius Stolo, 106.
- Lictors, 158.
- Lieutenants, the number assigned to pro-consuls, 144. ; their office, 144.
- Limits of the empire, 514. ; and provinces, 540.
- Linen, not worn by the Romans, 364.
- Litters, when introduced, 484.
- Liver, sometimes thought to be wanting in victims, 277.
- Livius Andronicus, the first writer of plays at Rome, 306.
- Locks, keys, bolts, &c., 458.
- Loom, parts of, 460.
- Lots, used in prognosticating future events, 259.
- Lottery, a kind of, 403.
- Lunatics, whence named, 26.
- Machines, used in sieges, 345. ; for hauling ships, 354, 355.
- Mæcenat entrusted by Augustus with the charge of the city, 135. ; his advice much respected by that emperor, 135. 150. ; his tower, 422. ; effeminate in his dress, 362. ; said to have invented the art of writing short-hand, 157.
- Magistrates at different times, 94. ; their functions more extensive than among us, 96. ; division of, 97. ; ordinary magistrates under the republic, 100—134. ; under the emperors, 134—137. ; extraordinary magistrates, 137—140. ; provincial magistrates, 143—149.
- Manufactures, woollen, 459, 460.
- Manure, kinds of, 471.
- March, order of, 327.
- Marius, rose from a common soldier, 319. ; seven times consul, 108. ; faithless and ambitious, 105. 127. ; cruel, 252. ; first enlisted soldiers from the lowest class, 313. ; made several changes in the military art, 315. 333.
- Market-places, at Rome, 503.
- Marriage, only between Roman citizens, 46. ; anciently prohibited between Patricians and Plebeians, 46. ; as sometimes between neighbouring districts, 407. ; encouragements to, 186. ; different forms of, 404, 405.
- Mars, 239. ; his shield, 239.
- Marsic war, 65, 66. ; cause of, 183. ; very destructive, 183.

Marsyas, punishment of, 503.  
 Mast, the ancient ships had but one, 350, 351.  
 Master of horse, 140.  
 Measures of length, 443.; of capacity, 444.  
 Medals, 436.  
 Menander, 307.  
 Mercenary servants, 34. ; troops, 317.  
 Mercury, images of, 240.  
 Merula, kills himself, 267.  
 Metellus, loses his sight, 271.  
 ——— Numidicus, banished, 169.  
 Minerva, 235, 236.; her shield, 235, 236.; festival of, 288.  
 Minority, years of, 182.  
 Minos, 248.  
 Monarchy, re-establishment of, 150.  
 Money, when coined, how computed, 435, 436.  
 Months, division of, 283.  
 Marra, game of, 404.  
 Mourning, manner of, 428.  
 Municipal towns, 68. ; not obliged to receive the Roman laws unless they chose, 68.  
 Muses, 240.  
 Music, warlike instruments of, 326.  
  
 Names of the Romans, 29—31.  
 Necklaces, 370.  
 Nero, colossus of, 301, 302. ; sets Rome on fire, 456. ; curious ceiling of his dining-room, 466.  
 New style, first adopted in England, 283.  
 Noblemen, young, how instructed in public business, 6. ; in jurisprudence, 168. ; and the art of war, 144, 145.  
 Nobles, who so called, 27. ; on them the bad Emperors chiefly exercised their cruelty, 156.  
 Numa, his laws, 185.  
 Number of the people, how ascertained, 76.  
 Nymphs, 238.  
  
 Oath, form of, 213. ; the multiplying of oaths hurtful, 153, 154. ; military oath, 315, 316.  
 Officers in the army, 320, 321. ; in the navy, 353, 354.  
 Omphale, 366.  
 Orestes, tried for the murder of his mother, 229, 230.  
 Ostracism, what, 229.  
 Oxen, always used in ploughing, 472. ; how trained, 472.  
  
 Pagans, whence named, 524.  
 Pales, festival of, 289.  
 Pallas, her image, 252.  
 Palms, first given to the victors at games, 305.

Pan, 246.  
 Pantomimes, 310. ; composers of, 310.  
 Paper, made of the papyrus, 447. ; of linen rags, 448.  
 Parchment, first made, 447.  
 Patches, why used, 370.  
 Patricians, 2, 3. 29.  
 Patrons and clients, their strict union, 26, 27.  
 Pavements, how adorned, 465.  
 Pearls, value of, 439.  
 People, power of, 19. 105. ; common people of the country more respectable than of the city, 26.  
 Perjury, punishment of, 154.  
 Perukes, when first used, 376.  
 Petreius, his bold answer to Cæsar, 180.  
 Plough, form of, 471. ; manner of ploughing, 472, 473.  
 Pluto, 242.  
 Poles of the heavens, 488.  
 Pompeius Sextus, why called the son of Neptune, 237.  
 Pompey, made consul, 108. ; sent against the pirates, 177. ; against Mithridates, 184. ; his exhibition of wild beasts, 298. ; first built a theatre of hewn stone, 311, 312. ; device of his ring, 373. ; his death, 367.  
 Pontiffs, 249—256.  
 Pontius, general of the Samnites, 105.  
 Poppæa, bathed in asses' milk, 369.  
 Poplicola, laws of, 101.  
 Porticos, uses of, 383, 384.  
 Possession, form of claiming, 201.  
 Posts, institution of, 511, 512.  
 Prætor, institution of, 109. ; at first one, 109. ; a second added, 109. ; the number of prætors increased, 113. ; the city prætor, the chief, 110. ; his edicts, 110 ; badges, 112. ; and attendants, 113. ; manner of administering justice, 198—202. ; how he pronounced sentence in a criminal trial, 230.  
 Prætorian cohorts, 331. 496. ; camp of, 331. 496.  
 Prayers, how made, 274.  
 President of a feast, 402.  
 Priapus, 244.  
 Priests, of different kinds, 249. ; of particular deities, 266. ; of Jupiter, 267. ; of Mars, 267. ; of Pan, 268. ; of Hercules, 269. ; of Cybele, 269. ; of Vesta, 270. ; what their emoluments were is uncertain, 272—3 ; by whom elected, 256—265.  
 Proconsuls and proprætors, origin of their name, 143. ; provinces assigned to them, 144. ; they set out from the city with great pomp, 145. ; their power in the provinces, 145, 146. ; manner of administering justice, 146. ; their exactions, 146, 147. ; return to Rome, as

- private citizens, unless they gained a triumph, 147.  
 Procurator of Judæa, 149.  
 Property, modes of acquiring, 52.  
 Proscription of citizens, 174.  
 Proserpina, 242.  
 Provinces, rights of, 66.; taxes imposed upon them, 67.; new partition of them by Augustus, 148.  
 Provincial magistrates under the republic, 143, 148.; under the emperors, 148, 149.  
 Punishments, 232.  
 Purification, manner of, 78, 79. 426.  
  
 Questors, why so called, 130.; their office, 131.; under the emperors, 132.; it gave admission into the Senate, 5.  
  
 Ram, a machine in war, 345.  
 Reaping, manner of, 476.  
 Reclining at supper, when introduced, 379.; manner of, 379.; and cause of, 387.  
 Registers of all public transactions, 16.; kept in the treasury, 17.  
 Republic, causes of its ruin, 21. 26. 108., &c.  
 Review of the people, instituted by Servius, 76.; when and how made, 78—116.  
 Rewards, military, 334.  
 Rhea, 242.  
 Rhodians, their regulations concerning naval affairs adopted by the Romans, 189, 190.  
 Rights of citizens, 41.; could not be taken from any one against his will, 63.; diminution of, 68.  
 Rings, much used, 372.  
 Rivers, their sources held sacred, 248.  
 Roads, how paved, 509.  
 Robbery, punishment of, 208.  
 Robigo, feast of, 247.  
 Romania, or Thrace, why so called, 72.  
 Romans, how divided, 2. 28., &c.; anciently weighed their money, and did not count it, 48.; cautious in admitting new sacred rites, 62.; their respect for the ministers of religion, 250.; passionately fond of races, 295.; of shows, of gladiators, 305.; and of uncommon sights, 310.; almost always engaged in wars, 313.; as remarkable for enduring labour as for courage, 344, 345.; long unacquainted with naval affairs, 347.; careful to wear the toga in foreign countries, 357.; usually went with their heads bare, 367.; when covered, 367.; allowed their hair to grow in mourning, 375.; their ancient simplicity, 378.; their luxury and the cause of it, 378.; at first sat at meals, 378.; borrowed the custom of reclining from the East, 379.; began their feasts with prayer, 387.; and ended them in the same manner, 404.  
 Rome, built, 1.; taken and burnt by the Gauls, 42. 456.; and under Nero, 456.; adorned by Augustus, 456.; its streets narrow, 456.; its gates, 496.; and bridges, 512.; its Latin name, why concealed, 346.  
 Romulus, 246.; his contest with Remus, 255.  
 Roofs, form of, 464.  
 Rowers, how they sat, 348.  
 Rubicon, the boundary of Cæsar's province, 124.  
 Rutilus, the first plebeian censor, 115.  
  
 S, this letter anciently used instead of H, 187.  
 Sacred rites, 274.; how performed, 276—279.  
 Sacrifices, 274.; to the dead, 426.  
 Sails, invention of, 347.; how adjusted, 351.  
 Salt, much used, 387.  
 Satires, whence named, 306.  
 Saturn, 241.; festival of, 291.  
 Saturninus, his laws, 169.; slain by Marius, 169.  
 Scenery of theatres, 312.  
 Scipio Africanus, 108—127.  
 — Nasica, kills Tib. Gracchus, 127.; Pontifex Maximus, 253.  
 Scribes or notaries, 156, 157.  
 Seasons, 244.  
 Senate, its institution, 2.; number, 2.; Prince of, 45.; by whom assembled, 8.; places and times of meeting, 9.; quorum of, 10.; manner of making a decree, form of writing it, 16.; not valid unless carried to the treasury, 17.; rarely reversed, 17.; power of the senate, 17—19.; force of its decrees, 20.; little regarded in the last ages of the republic, 20.; apparently increased by Augustus and Tiberius, 20, 21.; as the means of establishing despotism, 20, 21.; judges of crimes, 231.  
 Senate of Grecian cities, 71.  
 Senators, choice of, 3.; their age, 5.; and badges, 7.; order in which they asked their opinion, 11, 12.; manner of delivering it, 12.; were not to be interrupted, 12.; their privileges, 19, 20.; their servility to the emperors, 151.  
 Sentence, form of, in civil trials, 201.; in criminal trials, 229, 230.  
 Sepulchres, where built, 422, 423.; by whom, and how, 428—430.  
 Servants of the magistrates, 156.; of the priests, 273.  
 Servitudes of the lands, 51.  
 Servius Tullius, institutes the census,

76. ; made many laws, 141. ; the first who coined money, 432.
- Sextius, first plebeian consul, 107.
- Ships, their first construction, 347. ; different kinds of, 349. ; chief parts of a ship, 350, 351. ; how manned, 353. ; naval affairs, 353. ; manner of embarking, 354, 355. ; order of battle, 356. ; method of transporting ships by land, 355. ; size of trading vessels, 356, 357.
- Shoes, kinds of, 365, 366. ; for horses, 366.
- Short-hand, art of, 157. ; quickness of, 454.
- Sibylline books, keepers of, 261, 262.
- Sicily, the first country reduced to the form of a province, 66.
- Sicinius, at his instigation the plebeians retire to Mons Sacer, 121.
- Siege, form of, 348.
- Silk, long known before silk-worms were introduced, 371.
- Sir, equivalent to Dominus, 451.
- Skeleton, introduced at feasts, 401, 402.
- Slaves, how made, 31, 32. ; their treatment, 34—36. ; of different kinds, 33. ; how made free, 38. ; their manumission restricted by law, 39. ; punishment of, 234. ; their dress, 376. ; not allowed to serve in the army, but in dangerous junctures, 36. ; such as obstructed themselves were sometimes put to death, 315. ; slaves who frizzled the hair, 368. ; shaved, 374. ; cooked victuals, 390. ; carved and waited at table, 391. ; wrote letters and books, 454. ; watched at the gate, 458. ; took care of the Atrium, 462. ; of the bed-chambers, 463. ; dressed trees, 468. ; cultivated the ground, 470. ; carried burdens, sedans, and litters, 488.
- Soil, qualities of a good, 470.
- Sol, 244. ; the same with Mithras, 244.
- Soldiers enlisted, 314. ; different kinds of, 316, 317. ; divided into different ranks, 317. ; their arms and dress, 319—322. ; their order and discipline, when encamped, 327. ; on march, 327. ; in battle, 328—330. ; their rewards, 334. ; punishments, 340. ; pay and discharge, 341.
- Solon, lawgiver of Athens, 141.
- Sons, how freed from the power of their father, 46, 47.
- Sosigenes, regulates the year, 282.
- Sowing, manner of, 474.
- Spectacles, their hurtful effects, 298, 299.
- Spurinna predicts the death of Cæsar, 278.
- Stage-plays, first instituted, 305. ; chiefly of three kinds, 307. ; often prohibited, 311. ; Tac. Ann. iv. 14. xiii.
45. Suet. Nero, 16. Dom. 7. Plin. Paneg. 46.
- Stages, along the road, 511.
- Standards, kinds of, 380, 381.
- Stipulations, forms of, 205.
- Stirrups, the Romans had none, 333.
- Stockings, not worn by the Romans, 366.
- Stoics, whence named, 504.
- Style, old and new, 282, 283.
- Superstition of the Romans, 349, 350, 354, &c.
- Supper, the principal meal, 377, 389. ; place of, 379. ; dress for, 386, 387. ; parts of, 389, 390. ; music, &c. in time of, 392.
- Swearing, to support whatever laws were passed, when first enforced, 269.
- Sylla, his choice of senators, 6. ; usurpation, 174, 180. ; cruelty, 174, 180. ; increased the number of the *Questiones Perpetuæ*, 114. ; abridges the power of the tribunes, 127. ; his laws, 174, 175. ; both rewards and punishes the slaves of Sulpicius for betraying him, 192, 193. ; why he ordered his body to be burnt, 416.
- Sylvanus, 246.
- Tables, 381, 382. ; of different forms, 382. ; how consecrated, 387.
- Tarquinius, king, expelled, 99. ; on what day, 203.
- Taxes, various kinds of, 60—62. ; remitted, 60—62.
- Teeth, care of, 370.
- Temples, 497—501. ; ornament of their front and roof, 464.
- Tents, form of, 325.
- Testaments, how made, 56. ; anciently made in the *Comitia Curiata*, 75.
- Terminus, his temple, 247.
- Thanksgivings, how made, 275.
- Theatres at first prohibited, 311. ; built by Scaurus, 311. ; Curio and Pompey, 311, 312.
- Theft, how punished, 208.
- Theodosius abolishes the heathen worship at Rome, 273.
- Things, division of, 50.
- Thracians, curious custom of, 229. ; their wives burn themselves on the piles of their husbands, 424.
- Threshing, manner of, 476.
- Tiberius, deprived the people of the right of voting, 94. ; sum he left at his death, 438.
- Tiles, tax laid on, 463.
- Tiro, freedman of Cicero, 157.
- Top, different from the trochus, 388.
- Torture, used only on slaves, 226. ; instrument of, 226.
- Towers, in sieges, 345. ; in ships, 351, 352.

- Towns**, how attacked, 343. ; and defended, 346.  
**Trade** not respected, 6. 206, 207. ; hurtful consequences of this, 26.  
**Tragedy**, writers of, 308, 309.  
**Trajan's pillars**, 505.  
**Trees**, how propagated, 478, 479.  
**Trials**, civil, 198. ; how conducted, 198. 217. ; criminal before the people, 218. ; before the prætors, 221. ; how conducted, 225.  
**Tribes**, three at first, 89. ; when increased, 90. ; how divided, 90.  
**Tribonian**, the chief of those lawyers who composed the corpus juris, 196.  
**Tribunes of the commons**, when created, 121. ; their power at first small, 122. ; afterwards exorbitant, 123. ; abridged by Sylla, 127. ; in a manner annihilated by Julius Cæsar, 128. ; conferred on Augustus, 128. ; at first not admitted into the senate, 15.  
**Tribunes**, military, number of, in a legion, 320.  
**Tripods**, of different kinds, 263.  
**Triumph**, whence called, 336. ; naval triumph, 339.  
**Triumviri**, 96. ; consecrate a temple and divine honours to Cæsar, 280.  
**Trophies**, 506.  
  
**Undertaker of funerals**, 419.  
**Urns**, how made, 425.  
**Usurers**, their cruelty, 45. ; and art, 441.  
  
**Valerius Corvus**, 108.  
**Venus**, her names, 238.  
**Verdict of a jury**, 228. 230.  
**Verres**, said to have been restored from banishment, by the influence of Cicero, 225. ; cause of his death, 225.  
**Vertumnus**, 247.  
**Vespasian**, the first who made laws without consulting the senate, 21. ; the sum he said was necessary to support the state, 438.  
**Vesta**, the goddess of fire, 236.  
**Vestal virgins**, 270. 272.  
  
**Victims**, white, from the river Clitumnus, 278.  
**Villas**, how laid out, 467.  
**Villius**, why called Annalis, 98.  
**Vineyards**, 481. ; how planted, 481.  
**Virginia**, killed by her father, 142.  
**Virtues**, worshipped, 248.  
**Vitellius**, luxury of, 391.  
**Vomit**, custom of taking before and after supper, 392.  
**Vows**, how made, 274.  
**Vulcanus**, 239. ; his workshop, where, 239.  
  
**War**, how proclaimed, 313.  
**Watchword**, how given, 326.  
**Wealth**, instances of, 438.  
**Weeks**, division of time by, not used by the ancient Romans, 284.  
**Weights**, English and Roman, 431.  
**Wheel for raising water**, 488.  
**Wife**, properties of a good one, 459.  
**Windows**, how made, 464, 465.  
**Winds**, 482.  
**Wine**, manner of making, 395. ; kinds of, 398, 399. ; used to be boiled that it might keep, 398, 399.  
**Witnesses**, form of making, 298. ; different kinds of, 226, 227. ; how summoned, 227.  
**Women**, excluded from inheritances, 194. ; their clothes, 358. ; shoes, 366. ; head-dress, 368, 369. ; paint, 369. ; industry, 459. ; apartments among the Greeks, 463.  
**Wood**, used for firing, 462.  
**Writing**, materials for, 448. ; manner of, 448—455.  
  
**Year**, how divided by Romulus, 280. ; by Julius Cæsar, 282. ; by Pope Gregory, 282. ; by the Egyptians, 283.  
**Young men**, at what age they assumed the *toga virilis*, 361. ; peculiarity in their manner of wearing it for their first year, 361. ; when they began to shave, 374. ; consecrated the first growth of the beard, and also their hair to some deity, 375.

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